

APPOINTMENT IN THE REGULAR ARMY

To be Assistant to the Chief of Ordnance, with the rank of brigadier general, for a period of four years from date of acceptance

Col. William Harvey Tschappat, Ordnance Department, vice Brig. Gen. Samuel Hof, Assistant to the Chief of Ordnance, nominated for appointment as Chief of Ordnance.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 2 (legislative day of May 29), 1930

JUDGE OF THE COURT OF CLAIMS

Richard S. Whaley.

COAST GUARD

To be lieutenants

Gaines A. Tyler.	Stanley J. Woyciehowsky.
Ira E. Eskridge.	Kenneth K. Cowart.
Harry W. Stinchcomb.	Morris C. Jones.
Harold C. Moore.	Miles H. Inlay.
Richard M. Hoyle.	Francis C. Pollard.

To be lieutenants (junior grade)

Wilbur C. Hogan.	Earl K. Rhodes.
Dale T. Carroll.	Carl B. Olsen.
Kenneth P. Maley.	Walter C. Capron.
Samuel F. Gray.	Watson A. Burton.

To be district commanders

Frank B. Lincoln.
John Kelly.

To be temporary ensign

Peery L. Stinson.

APPOINTMENT IN THE ARMY

To be Chief of Ordnance, with the rank of major general, for a period of four years from date of acceptance, with rank from April 2, 1930

Brig. Gen. Samuel Hof.

PROMOTIONS IN THE NAVY

Midshipman Edward P. Dornier to be an ensign in the Navy from the 5th day of June, 1930, to correct his status as previously nominated and confirmed.

MARINE CORPS

Midshipman Robert E. Hill to be a second lieutenant.

POSTMASTERS

MISSOURI

Fred W. Niedermeyer, Columbia.
Oral G. Brown, Fair Play.
Charles Updyke, Frankford.
Joseph Volle, Harrisonville.
Edward Becker, Morrisville.
Alice N. Ferguson, Poplar Bluff.
Herbert S. Doppler, Weston.

NEBRASKA

Ray H. Surber, Davenport.
Marguerite R. Tiehen, Dawson.
Mabel Schantz, Fort Crook.

NEW JERSEY

Melvin H. Roberson, Annandale.
John D. Hall, Clinton.

OREGON

Ethel N. Everson, Creswell.
Paris D. Smith, Nyssa.

RHODE ISLAND

Henry L. Yager, Barrington.

SOUTH DAKOTA

Fred Boller, Beresford.
John R. Todd, Bowdle.
Florence M. Hausman, Chester.
Clarence J. Curtin, Emery.
Robert C. Gibson, Geddes.
Peter J. Kleinjan, Gregory.
Theresa R. Harrington, Montrose.
Charles P. Decker, Roscoe.
Paul F. W. Knappe, Tripp.
Ira D. Winter, Wall.
Richard E. Scadden, White.
Minnie C. Lumbard, Wolsey.

TEXAS

Norah H. Kelly, Lockhart.
Charles C. Eppright, Manor.
William F. Borgstedte, Washington.
Mayo McBride, Woodville.

VERMONT

Marion C. White, Cavendish.

WISCONSIN

Joseph Kuchenmeister, Almena.
Alwin W. Kallies, Bonduel.
Robert L. Raymond, Campbellsport.
Emma Thompson, Deer Park.
Charles E. Juza, Haugen.
Peter O. Virum, Junction City.
Harry V. Holden, Orfordville.
Lewis W. Cattnach, Owen.
Maud E. Johnston, Spencer.

HOUSE OF REPRESENTATIVES

MONDAY, June 2, 1930

The House met at 12 o'clock noon.

Rev. Dr. W. J. McGlothlin, of Greenville, S. C., offered the following prayer:

O God, our Father, the God of the nations, the God of all men, be with these Thy servants to-day as they lead our Nation, and be with them in all the varied interests and intricate problems which they face to-day. For Jesus' sake. Amen.

The Journal of the proceedings of Thursday, May 29, 1930, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 4849. An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8479. An act to amend section 7 of the Public Act No. 391, Seventieth Congress, approved May 15, 1928.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4466. An act to make a correction in an act of Congress approved February 28, 1929.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 12236) entitled "An act making appropriations for the Navy Department and the Naval Service for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. PHIPPS, Mr. KEYES, Mr. GLASS, and Mr. SWANSON to be the conferees on the part of the Senate.

REPRESENTATIVE-ELECT THOMAS L. BLANTON

Mr. GARNER. Mr. Speaker, Mr. THOMAS L. BLANTON, Representative elect from the seventeenth district of Texas, is here, and I am informed by the Clerk that his credentials have been received and that they are in proper order. I demand that he be sworn in at the present time.

Mr. CLANCY. Mr. Speaker, I object on the ground that the credentials are not in proper order. The credentials read that he is duly elected as Congressman for the State of Texas, whereas there is no such office. The office is properly designated as a Representative in Congress. I refer the Chair to Hinds' Precedents, volume 1, section 590.

Mr. Speaker, this is the first time in six years since I have been in Congress, that I have objected to a unanimous-consent request, but I have given to the members the detailed charges which THOMAS L. BLANTON has made against every man and woman Member of this House. I read as follows, and this is an advertisement, dated May 19, 1930, appearing in the Abilene Daily Reporter, the day before the special election was held, May 20:

SERVICE OR SENTIMENT—VOTE MAY 20 FOR YEAR'S SERVICE—THE LAST FEW WEEKS OF EVERY SESSION OF CONGRESS

Toward the close of each session of Congress many Members leave Washington. Those who remain become careless with minds preoccupied

with approaching campaigns and thoughts of home. During this period waste and extravagance run rampant, and bad bills of every kind pass without reading—

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that the gentleman from Michigan is not arguing his point of order. The point of order made by the gentleman from Michigan is as to the validity of the form of the credentials, and, regardless of the views of the Member elect, or his statement, or his conduct, or the color of his hair, the people of his district are entitled to representation in this House, and I demand that the gentleman confine himself to the point of order.

The SPEAKER. The Chair thinks the view of the gentleman from New York is correct. It is merely a question as to the validity of the certificate.

Mr. CRISP. Mr. Speaker, I ask that the Chair direct the certificate to be read.

The SPEAKER. The Clerk will read the certificate.

The Clerk read as follows:

CERTIFICATE OF ELECTION

THE STATE OF TEXAS,
DEPARTMENT OF STATE,
Austin.

This is to certify that at a special election held in the State of Texas for Representative in Congress from the seventeenth congressional district, composed of the following counties: Burnet, Llano, Comanche, McCulloch, San Saba, Lampasas, Mills, Brown, Coleman, Callahan, Eastland, Stephens, Shackelford, Jones, Palo Pinto, Taylor, Nolan, Concho, and Runnels, on the third Tuesday in May, A. D. 1930, being the 20th day of said month, THOMAS L. BLANTON, having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as Congressman for the State of Texas to fill the unexpired term of the late Hon. R. Q. Lee.

In testimony whereof I have hereunto subscribed my name and caused the seal of state to be affixed at the city of Austin on this the 31st day of May, A. D. 1930.

[SEAL.]

DAN MOODY,
Governor of Texas.

By the governor:

JANE Y. MCCALLUM,
Secretary of State.

Mr. CLANCY. Mr. Speaker, the credentials bear out my point of order. In the credentials the office is described as a Congressman, instead of a Representative in Congress, and I ask the ruling of the Chair.

Mr. GARNER. Mr. Speaker, if I understand it correctly, the point of order is made that Mr. BLANTON is not entitled to take his seat because the credentials are not regular and in order, and the irregularity claimed is that he is described in the credentials as having been elected as a Member of Congress from the State of Texas. I call the attention of the Chair to the entire certificate, which certifies that he is elected from the seventeenth district, and to succeed Mr. Lee, who, we all know, represented the seventeenth district in this House. It must occur to the Chair and to anyone else in the House of Representatives that the objection is a frivolous one, to use the lightest possible description of it, and that the point of order is not worth the snap of one's finger. The certificate, as is suggested to me by the gentleman from Georgia [Mr. CRISP], names the counties in Texas which compose the seventeenth congressional district.

Mr. LAGUARDIA. It does more than that. In the recital it refers to an election held for a Representative in Congress.

Mr. GARNER. It seems to me that upon its face that the Speaker would not give a moment's consideration to the point of order.

Mr. CLANCY. The Clerk of the House, Mr. William Tyler Page, has notified the proper authorities in Texas a number of times, I am informed, that they should not designate this office as Congressman, that the office is Representative in Congress, and I have cited the Chair to Hinds' Precedents, which maintain that the credentials must be in order and must correctly describe the office. While my objection may be frivolous, it is at least not malicious, as are the allegations made by Mr. BLANTON against every Member of this House.

Mr. CRISP. Mr. Speaker, may I supplement what the gentleman from Texas [Mr. GARNER] has said? The Speaker, of course, in construing this certificate must construe it in its entirety. There is no court in the world that is worthy of the name of a court, construing this certificate, that would hold otherwise than that it is a certificate from the Governor of Texas to the effect that the gentleman from Texas [Mr. BLANTON] was elected at a special election to represent the seventeenth district of Texas in Congress. The whole matter shows it and in the latter part of the certificate it says, after reciting that this special election was held for a vacancy in the seven-

teenth district, naming the counties comprising the district, that the election was held and that Mr. BLANTON received a majority of the votes and was elected Congressman from Texas. For what? For the seventeenth district at a special election to succeed Mr. Lee.

Now, Mr. Speaker, it is a serious matter for the House of Representatives, on a technicality of this frivolous nature, to deny a man a seat in this body when he presents his certificate duly signed by the governor of his State, as this certificate is signed. His certificate in substance is to this effect: This is to certify that at the election in the State of Texas for Member of Congress from the seventeenth congressional district from Texas, composed of the counties named, Mr. BLANTON was elected. Mr. BLANTON, having received the highest number of votes cast for anyone at said election in the seventeenth district of Texas, was duly elected to Congress from the State of Texas to fill the unexpired term of Mr. Lee.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. CRISP. Yes.

Mr. MOORE of Virginia. Necessarily elected to the House of Representatives, because no Senator is ever elected by a district.

Mr. CRISP. I thank the gentleman for his valuable contribution.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. LAGUARDIA. We have first the names of the counties and the name of the gentleman's predecessor in the House; and surely the Speaker must take notice of the fact that the late Mr. Lee was a Member of the House.

Mr. CRISP. I agree with the gentleman.

Mr. GREEN. So far as the House is officially advised, there is no protest from any person concerned in the election?

Mr. CRISP. No. The Speaker has had before him the certificate presented to him. I am not going to delay the Speaker. I know the Speaker has common sense. I know the Speaker desires to be just. I know the Speaker appreciates his responsibility. I am sure the Speaker knows that this certificate means that at this election Mr. BLANTON was elected from the seventeenth district in Texas, and that it is a very serious matter in this House to deny a man the right to take the oath, with the certificate of the governor of a sovereign State duly authenticated and duly filed, as the gentleman has filed his.

The SPEAKER. The Chair is prepared to express his opinion on this matter. There is sufficient ground here for contending that this certificate is not without fault, because it has used the word "Congressman," which is never used, and which has never been used, so far as the Chair knows, in swearing in a Member. The Clerk informed the Chair this morning that on a number of occasions he has returned certificates to Texas, where the word "Congressman" was used, and when the correction was made and the certificate was returned here the Member was sworn in as a Representative in Congress. So far as the Chair knows, no man has ever taken the oath as "Congressman" but only as "Representative in Congress." Under the circumstances, however, the Chair would not undertake to assume the responsibility of refusing administration of the oath to any person where the certificate was no more to be criticized than this. However, the Chair thinks that is a matter for the House to determine. Section 5 of Article I of the Constitution says:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

Under the circumstances the Chair will put the question to the House. Does the House desire that the Chair shall administer the oath of office to the gentleman from Texas?

The question was taken, and the House responded in the affirmative.

Mr. CLANCY. Mr. Speaker, I will not appeal from the decision of the Chair, but after the Member is sworn in I will have a privileged resolution to offer.

The SPEAKER. The Chair has not made a decision. It has been made by the House. The gentleman from Texas will present himself.

Mr. BLANTON appeared before the bar of the House and took the oath of office administered by the Speaker.

The SPEAKER. The gentleman from Michigan offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 233

Resolved, That the paid advertisement appearing in the Abilene Daily Reporter, a newspaper of Abilene, Tex., on May 19, 1930, setting forth the following:

"SERVICE OR SENTIMENT—VOTE MAY 20 FOR YEAR'S SERVICE—THE LAST FEW WEEKS OF EVERY SESSION OF CONGRESS"

"Toward the close of each session of Congress many Members leave Washington. Those who remain become careless, with minds preoccupied with approaching campaigns and thoughts of home. During this period waste and extravagance run rampant, and bad bills of every kind pass without reading. Rules are suspended. Junketing trips abroad are arranged. It is at this time, more than any other, there is urgently needed on the floor at all times some Member to stand guard and watch the interests of the people.

"BLANTON ON THE FLOOR AT ALL SESSIONS"

"When Governor Moody called this special election, why was it that the press reported a howl from some leaders in Washington? They believed that the people would return BLANTON to Congress. They knew he would upset some of their riotous spending and their arrangements for summer junkets.

"BLANTON NEEDED ON GUARD IN CLOSING WEEKS OF THIS CONGRESS"

"If you elect BLANTON on May 20, he will be sworn in on May 22. He will take his seat immediately. He will begin functioning immediately. He knows the rules and precedents as well as any other Member. He knows how to stop and kill steals when they are attempted. And he will attend the special session contemplated by Hoover in September and the regular session from December 1, 1930, to March 4, 1931. And during this time the 500,000 people of this district will have a man of experience to attend to their business with the several hundred bureaus of Government."

vitality affects the rights of the House collectively, its dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of Members, individually in their representative capacity.

Resolved further, That the Speaker appoint a select committee of three Members of the House and that such committee be instructed to inquire into the above-mentioned charges, and for such purposes it shall have the power to send for persons and papers and enforce their appearance before said committee and to administer oaths and shall have the right to report at any time what action should be taken.

Mr. STAFFORD. Mr. Speaker, I make a point of order that the resolution is not privileged.

The SPEAKER. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Speaker, to all intents and purposes, after the oath of office is administered to him the gentleman from Texas is a full-fledged Member of this House. He has all the rights of membership in this House. No Member of this House has the right, as a privileged matter, to prefer charges against a Member and to have them considered forthwith, or by a committee, as this resolution proposes, to have an investigation of his activities, private or otherwise.

Mr. GARNER. Mr. Speaker, these charges are made up of extracts from newspapers and what has been spoken from the stump.

Mr. STAFFORD. The late lamented James R. Mann stated time after time that in the closing days of Congress it is highly essential for some one to be here on guard to safeguard the interests of Congress.

Mr. GARNER. Suppose I were to write a resolution concerning something that the gentleman from Michigan [Mr. CLANCY] may have said on this side of the House or on that side of the House. Is that any reason why he should not be a Member of this body? Any inconsistency or statement from somebody concerning his need to be elected in order to get the votes of his constituents does not constitute a valid ground of investigation.

Mr. STAFFORD. Suppose a man charged another with having said this or that on the stump. No one would be safe from having such charges heard instantly. I would not myself be safe [laughter] if I had an enemy here who might wish to complain and asked that an investigation be had.

Mr. CLANCY. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CLANCY. When the gentleman from Texas [Mr. BLANTON] makes the statement that bad bills of every description pass without reading, does the gentleman not think that reflects on the honesty, integrity, and patriotism of every Member of this House?

Mr. STAFFORD. No. My Socialist opponent made all kinds of charges against me, and I made charges against him. That is in the game. That is in the battle. It was a fair, square fight. Perhaps Mr. Sosnowski made charges against the gentleman from Michigan [Mr. CLANCY], challenging his right to run on the Republican ticket after having been a member of the Democratic Party. That is a part of the game. What security would any Member have, after taking the oath, if his right to a seat in Congress was challenged because he made some statement on the stump?

Mr. CLANCY. Would the gentleman criticize Grover Cleveland for having left the Democratic Party, or Theodore Roosevelt for having left the Republican Party?

Mr. STAFFORD. Oh, I am welcoming the gentleman to the Republican Party, but I only point out the extreme to which the House might go.

Mr. CLANCY. Is what I have done in the past on a par with what the gentleman from Texas [Mr. BLANTON] has done?

Mr. STAFFORD. I am only pointing out the extreme to which the House may go, if a Member is privileged at any time to present a resolution asking for an investigation.

The regular order was demanded.

The SPEAKER. The Chair is prepared to rule.

The question is whether these quoted statements form the basis for a question of privilege.

Rule 9 provides as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

Query. Does this statement affect the integrity of the proceedings of the House; that is, the words—

During this period waste and extravagance run rampant and bad bills of every kind pass without reading.

And in another place—

He [Mr. BLANTON] knows how to stop and kill steals when they are attempted?

The only precedent of which the Chair is aware occurred on January 3, 1917 (64th Cong., 2d sess., RECORD, p. 807), when Mr. Wood, of Indiana, rose to a question of privilege on some newspaper statements of Thomas W. Lawson, of Boston, in which, among other things, he used this phrase:

The good old Capitol has been wallowing in Wall Street leaks for 40 years, wallowing hale and hearty.

The gentleman from Illinois, Mr. Mann, supported it on the ground that this affected privileges of the House, and the Speaker so held.

It seems to the Chair that the statements in the advertisement reflecting on the integrity of the proceedings of the House, are at least as bad as those of Mr. Lawson. The Chair therefore holds that the resolution is privileged.

Mr. STAFFORD. Mr. Speaker, I move to lay the resolution on the table.

Mr. CRISP. Mr. Speaker, I move to refer the resolution to Committee on Elections No. 1, and on that motion I demand the previous question.

Mr. STAFFORD. I withdraw my motion.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. CRISP] to refer the resolution to the Committee on Elections No. 1.

The question was taken; and on a division (demanded by Mr. CRISP) there were—ayes 21, noes 120.

Mr. CRISP. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. The gentleman from Texas [Mr. BLANTON] is now a Member of the House and is entitled to have his name placed on the register and called to vote?

The SPEAKER. Unquestionably.

The question was taken, and there were—yeas 149, nays 138, answered "present" 2, not voting 139, as follows:

[Roll No. 54]

YEAS—149

Allgood	Collins	Garner	Kemp
Almon	Colton	Garrett	Kincheloe
Aswell	Connery	Gasque	Knutson
Ayres	Cooper, Tenn.	Gibson	LaGuardia
Bell	Cooper, Wis.	Glover	Lampert
Bland	Crisp	Goldsborough	Lankford, Ga.
Bloom	Cross	Granfield	Lea
Box	Crosser	Green	Leavitt
Brand, Ga.	Davis	Gregory	Lindsay
Brand, Ohio	DeRouen	Hall, Miss.	Linthicum
Briggs	Dominick	Hammer	Lozier
Browne	Doughton	Hare	Ludlow
Browning	Douglas, Ariz.	Hastings	McClintic, Okla.
Buckbee	Douglass, Mass.	Hill, Ala.	McCormack, Mass.
Burtress	Dowell	Hill, Wash.	McDuffie
Busby	Doxey	Hoch	McKeown
Byrns	Drane	Hope	McMillan
Cable	Dyer	Howard	McReynolds
Campbell, Iowa	Edwards	Huddleston	McSwain
Cannfield	Eslick	Hull, Morton D.	Mansfield
Cannon	Evans, Mont.	Irwin	Montague
Cartwright	Fisher	Johnson, Okla.	Montet
Christgau	Fitzpatrick	Johnson, Tex.	Moore, Ky.
Clark, N. C.	Fulmer	Jones, Tex.	Moore, Va.
Cochran, Mo.	Gambrill	Kading	Morehead
Collier	Garber, Okla.	Kelly	Morgan

Nelson, Mo.	Ragon	Sinclair	Tucker
Nelson, Wis.	Rainey, Henry T.	Smith, Idaho	Vinson, Ga.
Niedringhaus	Ramseyer	Smith, W. Va.	Whittington
O'Connell	Ramspeck	Speaks	Wilson
Oldfield	Rankin	Sproul, Ill.	Woodruff
Oliver, Ala.	Reid, Ill.	Stafford	Wright
Palmisano	Robinson	Stegall	Wurzbach
Parks	Rutherford	Stone	Wyant
Patman	Sanders, Tex.	Summers, Tex.	Yates
Patterson	Sandlin	Thatcher	
Pou	Schafer, Wis.	Thurston	
Prall	Schneider	Timberlake	

NAYS—138

Ackerman	Dunbar	Johnson, Wash.	Ransley
Adkins	Eaton, N. J.	Jonas, N. C.	Rogers
Aldrich	Elliott	Kahn	Rowbottom
Allen	Ellis	Kendall, Ky.	Sanders, N. Y.
Arentz	Englebright	Kendall, Pa.	Seiberling
Bachmann	Evans, Calif.	Kerr	Shaffer, Va.
Bacon	Finley	Kiefner	Short, Mo.
Baird	Fitzgerald	Kless	Shott, W. Va.
Barbour	Freeman	Kinzer	Shreve
Beedy	French	Kopp	Simmons
Beers	Fuller	Lambertson	Simms
Blackburn	Garber, Va.	Lankford, Va.	Sloan
Bohn	Goodwin	Lehlbach	Sproul, Kans.
Bowman	Guyer	Letts	Stalker
Brumm	Hadley	Luce	Strong, Kans.
Campbell, Pa.	Hale	McFadden	Sullivan, Pa.
Carter, Calif.	Hall, Ill.	McLaughlin	Summers, Wash.
Carter, Wyo.	Hall, Ind.	Mapes	Swanson
Chalmers	Hall, N. Dak.	Martin	Swick
Chindblom	Halsey	Merritt	Swing
Christopherson	Hancock	Michaelson	Taber
Clague	Hardy	Michener	Tarver
Clancy	Hartley	Miller	Taylor, Tenn.
Clark, Md.	Haugen	Moore, Ohio	Vestal
Cole	Hawley	Mouser	Warren
Cooke	Hess	Murphy	Wason
Cox	Hogg	O'Connor, Okla.	Watres
Coyle	Holaday	Palmer	Watson
Craddock	Hooper	Parker	Welch, Calif.
Craih	Hopkins	Perkins	Whitley
Cramton	Houston, Del.	Pittenger	Williamson
Crowther	Hull, Wis.	Pratt, Ruth	Wolverton, N. J.
Culkin	Jenkins	Pritchard	Wolverton, W. Va.
Dallinger	Johnson, Nebr.	Purnell	
De Priest	Johnson, S. Dak.	Ramey, Frank M.	

ANSWERED "PRESENT"—2
Blanton Hudson

NOT VOTING—139

Abernethy	Drewry	Langley	Sirovich
Andresen	Driver	Lanham	Snell
Andrew	Eaton, Colo.	Larsen	Snow
Arnold	Estep	Leech	Somers, N. Y.
Auf der Heide	Esterly	McClintock, Ohio	Sparks
Bacharach	Fenn	McCormick, Ill.	Spearing
Bankhead	Fish	McLeod	Stedman
Beck	Fort	Maas	Stevenson
Black	Foss	Magrady	Stobbs
Bolton	Frear	Manlove	Strong, Pa.
Boylan	Free	Mead	Sullivan, N. Y.
Brigham	Gavagan	Menges	Taylor, Colo.
Britten	Gifford	Milligan	Temple
Brunner	Golder	Mooney	Thompson
Buchanan	Graham	Nelson, Me.	Tilson
Burdick	Greenwood	Newhall	Tinkham
Butler	Griffin	Nolan	Treadway
Carley	Hickey	Norton	Turpin
Celler	Hoffman	O'Connor, La.	Underhill
Chase	Hudspeth	O'Connor, N. Y.	Underwood
Clarke, N. Y.	Hull, Tenn.	Oliver, N. Y.	Vincent, Mich.
Cochran, Pa.	Hull, William E.	Owen	Wainwright
Connolly	Igoe	Peavey	Walker
Cooper, Ohio	James	Porter	Welsh, Pa.
Corning	Jeffers	Pratt, Harcourt J.	White
Cullen	Johnson, Ill.	Quayle	Whitehead
Curry	Johnson, Ind.	Quin	Wigglesworth
Darrow	Johnston, Mo.	Rayburn	Williams
Davenport	Kearns	Reece	Wingo
Dempsey	Kennedy	Reed, N. Y.	Wolfenden
Denison	Ketcham	Romjue	Wood
Dickinson	Korell	Sabath	Woodrum
Dickstein	Kunz	Sears	Yon
Doutrich	Kurtz	Seger	Zihlman
Doyle	Kvale	Selvig	

So the motion to refer the resolution to the Committee on Elections No. 1 was agreed to.

The Clerk announced the following pairs:

Until further notice:—

Mr. Snell with Mr. Bankhead.
Mr. Darrow with Mr. Hull of Tennessee.
Mr. Johnson of Indiana with Mr. Drewry.
Mr. Temple with Mr. Carley.
Mr. Beck with Mr. Cullen.
Mr. Wood with Mr. Taylor of Colorado.
Mr. Denison with Mr. Kennedy.
Mr. Treadway with Mr. Mead.
Mr. Graham with Mr. Spearing.
Mr. Seger with Mr. Gavagan.
Mr. Golder with Mrs. Owen.
Mr. Bacharach with Mr. Buchanan.
Mr. Free with Mr. Quayle.
Mr. Gifford with Mr. Mooney.
Mr. Johnston of Missouri with Mr. Abernethy.
Mr. Tilson with Mr. O'Connor of New York.
Mr. Connolly with Mr. Rayburn.
Mr. Ketcham with Mr. Driver.
Mr. Doutrich with Mr. Boylan.
Mr. Fenn with Mr. Sabath.

Mr. Menges with Mr. Corning.
Mr. Fort with Mr. Stevenson.
Mr. McLeod with Mr. Griffin.
Mr. Fish with Mr. Wingo.
Mr. Esterly with Mr. Quin.
Mr. McClintock of Ohio with Mr. Black.
Mr. Welsh of Pennsylvania with Mr. Igoe.
Mr. Cooper of Ohio with Mr. Oliver of New York.
Mr. Brigham with Mr. Romjue.
Mr. Hickey with Mr. Auf der Heide.
Mr. Reed of New York with Mr. Jeffers.
Mr. Bolton with Mr. Brunner.
Mr. Strong of Pennsylvania with Mr. O'Connor of Louisiana.
Mr. Butler with Mrs. Norton.
Mr. Leech with Mr. Whitehead.
Mr. Manlove with Mr. Sullivan of New York.
Mr. Nolan with Mr. Dickstein.
Mr. Porter with Mr. Lanham.
Mr. Frear with Mr. Woodrum.
Mr. Turpin with Mr. Celler.
Mr. Foss with Mr. Kunz.
Mr. Harcourt J. Pratt with Mr. Arnold.
Mr. Vincent of Michigan with Mr. Somers of New York.
Mr. Kvale with Mr. Greenwood.
Mr. Thompson with Mr. Williams.
Mr. Kurtz with Mr. Sirovich.
Mr. Britten with Mr. Underwood.
Mr. James with Mr. Milligan.
Mr. Burdick with Mr. Larsen.
Mr. Zihlman with Mr. Yon.
Mr. Dickinson with Mr. Hudspeth.
Mr. Magrady with Mr. Stedman.
Mrs. Langley with Mr. Doyle.

The result of the vote was announced as above recorded.

PERSONAL PRIVILEGE

Mr. CLANCY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CLANCY. In the Abilene Daily Reporter of May 26, 1930, there is reprinted this telegram from Representative-elect THOMAS L. BLANTON:

Until governor's commission arrives, a new Member can qualify only by unanimous consent; hence any Member can object. CLANCY is exercising long-existing grudge. In former Congresses I blocked several of his wasteful, extravagant measures, and he retaliates by depriving me of remuneration for enormous district business I am now performing.

Mr. Speaker, that statement is absolutely and completely false. The Member from Texas never blocked several of my resolutions which were wasteful and extravagant. I do not believe he ever blocked any resolution of mine, and in the four engagements I had with him—three of which were measures of great benefit to Texas—he was defeated. I maintain there is a question of personal privilege.

The SPEAKER. The Chair thinks the gentleman raises a question of personal privilege.

Mr. CLANCY. Mr. Speaker, the gentleman from Texas now knows the power of one objection on the part of a Member of this House which he has used so cruelly, so unjustly, and so vindictively in the past.

In this telegram he speaks of the remuneration which has been denied him, and in his campaign speeches in Texas, when he combated Mrs. R. Q. Lee and cast aspersions upon the name of deceased Richard Q. Lee, a fourth cousin of Robert E. Lee, he continually referred to alleged unjust emoluments and remunerations of the Members of the House and told how he had fought them.

The family doctor told the family—the Lee widow and the children—that R. Q. Lee would be alive to-day if it were not for the attacks that Mr. BLANTON made upon him. Mr. Lee died in April, 1930, of a blood clot on the brain, a cerebrospinal hemorrhage. Mr. BLANTON made a transaction with him, saying he would not run for Congress if he would buy his home at 1851 Irving Street NW. Mr. R. Q. Lee paid \$17,500 and immediately had to make \$1,500 worth of repairs, making a total of \$19,000.

Mr. GARNER. Mr. Speaker, I dislike to do so, but I am compelled to make the point of order that this does not pertain to the question of personal privilege raised by the gentleman from Michigan. The gentleman is reciting transactions between Mr. BLANTON and Mr. Lee, our former colleague. Of course, if you want to take up the entire unanimous-consent day with discussions which do not pertain to the point of order, I can go along the same as the rest of you, but I do call the Speaker's attention to the fact that the gentleman is not discussing the point of order.

The SPEAKER. The Chair thinks the gentleman from Michigan should confine himself to the question of privilege which pertains to himself alone.

Mr. GARNER. That is the only thing I wanted to call to the attention of the Speaker.

The SPEAKER. The gentleman from Michigan should confine himself to questions which attribute wrongful motives to

himself. The other circumstances are entirely extraneous and the gentleman from Michigan will confine himself to his own personal privilege.

Mr. CLANCY. One of the four bills on which Mr. BLANTON combated me was the Temple bill appropriating \$15,000 to pay the expenses of delegates to a conference to be held at Buenos Aires for the purpose of promoting and building good roads in Latin America. That was the precursor of the Pan American Highway which was to run through Texas, and the aim of which was to cause a constant flow of manufactured articles, mainly from the United States, to the Latin American countries, and a flow of raw materials back to the United States from the 19 Latin American Republics. It was a meritorious bill in every respect. The gentleman objected to it very strenuously and he was licked and the bill became a law, and the promotion of the Pan American Highway, passing through Texas, has been the sequence.

The gentleman also opposed the building of a veterans' hospital in Detroit, at Wind Mill Point. He opposed it very strenuously until the gentleman from Tennessee, Mr. FINIS GARRETT, got him to relinquish his efforts, and the RECORD shows that Mr. BLANTON attributed to Mr. GARRETT the credit for pulling him off that bill for the relief of veterans. Thousands of veterans have been in need of hospitalization in Detroit.

During the recent campaign the gentleman declared himself as a friend of the veterans. He told how they would languish in distress and not receive good treatment if Mrs. Lee were elected. He also attacked the dead Richard Q. Lee and said he had not handled veterans' cases properly.

Now, Mr. BLANTON also opposed a measure which was of most tremendous value to the State of Texas. I refer to the killing of the auto tax—

Mr. PATTERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair thinks the gentleman is straying from the subject.

Mr. CLANCY. Mr. Speaker, the gentleman alleges in this telegram that the several bills on which he opposed me were wasteful and extravagant, and I am showing that they were good measures.

The SPEAKER. Is this one of the bills?

Mr. CLANCY. Absolutely.

The SPEAKER. Then the gentleman has the right to proceed.

Mr. CLANCY. He opposed my three bills for the killing of the 5 per cent auto and motor trucks war excise tax, which have now become legislation and which have resulted in a saving of \$200,000,000 per year to the purchasers of automobiles. Since, I believe, there are at least 1,000,000 automobiles in Texas today, if not more, the saving to the people of Texas, to the purchasers of automobiles and trucks, is somewhere in the neighborhood, roughly estimated, of \$50,000,000 a year.

Now, it is characteristic of the gentleman that when he opposed this measure he said: "The Member from Michigan [Mr. CLANCY] is trying to make Henry Ford richer." Well, as a matter of fact, the bills made Henry Ford poorer. They were anti-sales-tax bills and most millionaires are in favor of sales taxes. I aimed to kill that \$200,000,000 of revenue a year which would have prevented relief on the very high surtaxes which Henry Ford was paying at that time and which he was groaning under.

Now, these bills were so very meritorious that when they came on the floor of the House there was not a Member here who dared to vote against them, although there had been some opposition from the Republican side. I will say to my good friend, the leader on the Democratic side, the gentleman from Texas [Mr. GARNER], who now has the onus of putting the Democratic Party before the country as supporting the gentleman from Texas [Mr. BLANTON], that Mr. GARNER did his share in these bills. The Temple bill would not have got out of committee—or my bill—but Mr. TEMPLE was ranking Member and the committee and I agreed to name it the Temple bill—that bill would not have gotten out of the committee if a former Member of this House, TOM CONNALLY, who is now a Senator, and who defeated Mr. BLANTON for the Senate, had not helped me. That shows whether it was a good bill for Texas or not.

These are three measures on which the gentleman from Texas combated me. I got angry at the gentleman. He is known as a great fighter. The gentleman apparently is afraid of nothing, a bad man, one who totes a gun on his hip when he goes campaigning in Texas; but I met him alone in the subway when there was not a big crowd around and no newspaper reporters and I chided him for his action on these measures. I said, "Mr. BLANTON, how can you get away with it in Texas, opposing measures like these which are of the most tremendous value to Texas?" He said, "I will tell you,

CLANCY. I know that, but I have to do that on orders of the Anti-Saloon League. I am the representative and spokesman of the Anti-Saloon League on the Democratic side."

Now, in scurrying from one county to another to get his credentials—and one good thing I have done, at least, is to keep him out of the House for several days—the Texas papers continually referred to the fact that he would rush his credentials here by air mail.

Now, what is his record on the United States air mail? I was astounded here one day on the floor of the House to witness the killing of the appropriation for the United States air mail. It was a going concern, running from New York to San Francisco, with various branches to several States, and with a contemplated extension to Texas, which needs air mail. The beacons were set out and the service was training aviators, one of whom was Lindbergh, who afterwards flew across the Atlantic. The United States air mail was the very heart of commercial aviation, with tests being made as to atmospheric conditions and aviation mechanics. Yet the item of \$1,500,000 for maintenance had been stricken out on a point of order. I asked the question if it was not done at the instance of the railroads, which are about the only group of people who are interested in restraining the United States air mail, and the gentleman from Texas squealed like a stuck pig—

Mr. DYER. Will the gentleman yield?

Mr. CLANCY. Yes.

Mr. DYER. Is that one of the bills that the gentleman criticized?

Mr. CLANCY. Absolutely.

This was an item of \$1,500,000 per year. The purpose was to assassinate the United States air mail, to junk the beacons, to throw the aviators out of work, and to cripple aviation. Of course, it did go out on the floor of the House, but I started a campaign for its restoration just as I started this campaign for the relief from the \$200,000,000 automobile tax. I stirred up the country, and we not only had the item put back of \$1,500,000 in the Senate but we increased it to \$2,750,000, as I recall it. I sat here on the floor of the House when the item came back, and the gentleman was looking at me and I was looking at him and he did not say a word.

His recent campaign for election was the most loathsome campaign ever conducted for a Member of Congress in the United States. You can vote for this man. You will have to answer for him in the coming campaign. Yes, Mr. GARNER, I was a Democrat. I carried a district whose normal majority was 70,000 Republican. But the Democratic Party was a millstone around my neck.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CLANCY. I must refuse to yield.

I am not criticizing anybody on the other side of the aisle except the gentleman from Texas [Mr. BLANTON]. My district used to be Democratic, but on account of populism, free silver, and the Ku Klux and the Anti-Saloon League and BLANTON it is thoroughly Republican now. [Laughter and applause.] While I live it will never go Democratic for Congress.

Nobody knows better than the Democratic leader [Mr. GARNER] why I left the Democratic Party. It was because I forced myself into the Madison Square Convention, the bitterest presidential-convention fight that we ever had in the United States. I cast five votes for Mr. GARNER for President of the United States there.

Then somebody introduced a resolution there which would have disfranchised in part or in whole at least 25,000,000 white American citizens. Having succeeded in disenfranchising some 15,000,000 colored people, they thought they would disfranchise some millions of whites.

Mr. GARNER knows that is true. He knows I arranged it so that Michigan was the first State to blow off the roof on this issue. He knows I said publicly I would leave the party if they passed that resolution. He knows that they passed that resolution and stigmatized me and others as an American citizen, when my family had 11 men and boys in the Revolutionary War, when my mother's father and her brother fought in the Civil War on the northern side.

This country was born and was preserved as much through the tears and the blood and the service and the sacrifice of my family as through the family of any man on the floor of this House. [Applause on the Republican side.] And since the gentleman from Texas [Mr. BLANTON] brings the women into it and says that this is too dirty a place for women to sit I say that I think my ancestors in this country were on a par with the ancestors of the gentlewomen of this House.

Mr. Speaker, I do not want to be immodest, but I never stole a page in the Congressional Directory, as has been charged to the gentleman from Texas [Mr. BLANTON], in which to recite

the kind of a family that I have or who they are, and so forth; but I do want to say this, that my ancestors in this country never allowed themselves to be bullied by tyrants nor by domestic and foreign foes of the Republic. My ancestors back for a thousand years in Europe suffered death, starvation, and privation because they refused to be bullied by tyrants. My ancestors in this country, English Episcopalians, French Huguenots, German Lutherans, and Irish Catholics, fled from the old world to escape what men like Mr. BLANTON, of Texas, are trying to put over on this country. I refuse to be bullied by individuals or organizations. I refused to be bullied by the Democratic Party. The gentlemen who are on the Ways and Means Committee know that I refused to be bullied about the repeal of the automobile tax and that I put it over on them.

I am exercising my rights as a Member of this House. The gentleman from Texas [Mr. BLANTON] says that you are engaged in "steals," and he comes back on defamation of Members' characters, as he has done before. He did it through this campaign, using the whisky flask which he forced the clerk in the House stationery room to purchase and then said of it, "Look what I got on a Member's stationery account," intimating that you purchase whisky flasks on your stationery accounts. If you gentlemen prefer that kind of a man as against me, you are welcome to him. Your vote for him will be an issue in every northern district, in every northeastern district; and, yes, it will be an issue in the South, for you will be taunted with his charges. You know that several years ago he was censured by this House by an overwhelming vote. You know that he came within six votes of being impeached or expelled, and you know when you furnished the votes that saved him from impeachment or expulsion that it was not through love or admiration.

Let me say this in extenuation of anything harsh that I may have said about the House Members of the Democratic Party. I never found more lovable men than among the leaders and the rank and file. I have been criticized as an "alien" because I stood out against two great un-American supergovernmental tyrannies, but let me say that in my district there are more college graduates proportionately than there are in any other community in the world. [Applause on the Republican side.]

Mr. GARNER. Mr. Speaker, in the interest of fair play, I ask unanimous consent that my colleague from Texas [Mr. BLANTON] may address the House for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that his colleague [Mr. BLANTON] be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, ladies and gentlemen of the House, I thank my colleagues, especially on my own Democratic side of the House, and also those of you on the Republican side of the aisle who did me fair play to-day. I am deeply grateful to all of you. I am deeply grateful for the opportunity of resuming the seat which I have occupied for 12 years without change. I am deeply grateful for the privilege of resuming my work here in this House. I have made here some lasting enemies, but I have some friends who are as close and loyal as any man ever had in life, and for which I am duly thankful.

At the proper time and in the proper place I shall answer all of the statements made by the gentleman from Michigan [Mr. CLANCY], none of which in his argument here to-day do I admit is true. At the proper time and in the proper place I shall show by the record what has taken place between the two of us. However, there are one or two things which must be answered now. He spoke of my having agreed not to run for office when my distinguished predecessor, as he said, paid me \$17,000 for my home. In due time I shall show the facts and the contract between us, wherein I sacrificed what I had paid on a home, and he paid me \$4,000 for all of the money that I had paid out on it, and that was all, and it will show that there was absolutely no promise or agreement of any kind.

The newspapers of my district will show that immediately after his election, and immediately after I had carried 79 counties in Texas against the field of six prominent candidates for the United States Senate, I stated that I would run at the very first opportunity for resumption of my work in the House. And I might say, parenthetically, that in the first primary my distinguished former colleague and friend, Senator Tom CONNALLY, carried only 46 counties against the field, but in the 46 he got more votes than I did in my 79 by reason of the big cities in them.

That I would run again was so published, and none of Mr. Lee's family will deny it.

The gentleman speaks of my standing with the American Legion, the ex-service men. If it takes such an attack as he has made on me to reelect the gentleman to the opposite side of the House I am willing to make the sacrifice. I am willing

for him to be reelected over there with such a sacrifice on my part. But to show the gentleman that the ex-service men of my State do not think as he does, I want to crave your indulgence to have the Clerk read a copy of a letter which has just been sent to me by a former State commander of the American Legion of Texas. I ask unanimous consent that the Clerk read that letter in my time.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

ABILENE, TEX., May 28, 1930.

HON. RAYMOND J. KELLY,

Department Commander, the American Legion,
Detroit, Mich.

MY DEAR KELLY: You probably remember me when I was State commander of the American Legion of Texas. I was born and raised in the State of New York and my wife is a native of Pennsylvania, but I have entered business in Texas since my service abroad.

Through you I want to register my protest with all of our Michigan buddies against the spiteful, unjust, ridiculous action of ROBERT H. CLANCY, now Representative in Congress from one of the Detroit districts, in the baseless attack he has made upon Congressman BLANTON, of Texas, and in his objecting to BLANTON being seated without his commission, his election being conceded.

CLANCY states in Monday's press that while campaigning BLANTON advertised:

"Toward the close of each session of Congress many Members leave Washington. Those who remain become careless, with minds preoccupied with approaching campaigns and thoughts of home.

"During this period waste and extravagance run rampant and bad bills of every kind pass without reading. Rules are suspended. Junketing trips abroad are arranged. It is at this time more than any other there is urgently needed on the floor at all times some Member to stand guard and watch the interests of the people."

Every posted person in the Nation knows that the above is true. It is so true that it hurts CLANCY.

I happen to know that no man in the United States has done more for the disabled ex-service man than has BLANTON. When men were dying like sheep in Hospital No. 25, BLANTON went there on his own expenses and had several hundred removed to Fort Bayard and Prescott. It was BLANTON who cleaned up St. Elizabeths. Our disabled buddies from every portion of the United States have called on him and he has never turned one down. He has helped thousands of them.

Ever since BLANTON voluntarily retired from Congress on March 4, 1929, he has continued to attend to the wants and necessities of our men everywhere gratis, and at his own expense. When he left for Washington he carried with him the files of numerous men who are now flat upon their backs helpless and without means. And CLANCY has spitefully and unjustly prevented him from qualifying so that he could give their cases official attention.

Wholly without charge and at his own expense BLANTON has gone in the courts and qualified dependent relatives as guardians and administrators, has searched for and obtained needed marriage and birth certificates, and found the whereabouts of lost witnesses to establish for our men necessary service origin.

We sincerely hope that our buddies in Michigan will resent this uncalled-for action of CLANCY's toward one of our most loyal and dependable friends.

Very truly yours,

R. C. WINTERS,

Former State Commander American Legion of Texas.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. SCHAFER of Wisconsin. Is the gentleman prepared to explain the statements alleged to have been made by him to the effect that he was the spokesman of the Anti-Saloon League?

Mr. BLANTON. I am not its spokesman. It is for abler men than I am to speak for them. But I am one of those who have spoken for enforcing national prohibition whenever it was assailed, and in upholding on this floor such Republicans as my friends from Michigan [Mr. HUDSON and Mr. CRAMTON].

Mr. SCHAFER of Wisconsin. The gentleman would not oppose a referendum on prohibition being had in the State of Texas?

Mr. BLANTON. The people of my State do not want a referendum.

Mr. SCHAFER of Wisconsin. I do not agree with the gentleman's views on prohibition or upon the open-shop question. There are many other policies where I do not agree with the gentleman on some of the phases of his work. I want to, however, congratulate the gentleman on the wonderful service he rendered the war veterans on one occasion. We realize the excellent work the gentleman did when he exposed Frederick A. Fenning, the cunning exploiter of incompetent war veterans.

This former Commissioner of the District of Columbia was exposed and driven from public life mainly through the untiring efforts of the gentleman from Texas who now has the floor. Fenning ought to have been disbarred and sent to the penitentiary. [Applause.]

Mr. BLANTON. There will not be found a line in any statement of mine made in my campaign which reflected upon any individual Member of this House; not one. I have for the Members of this House the profoundest respect. If I did not, I would not want to come back here and sit among them. The fact is, I have given up a lucrative law practice with my sons in order to come back here and serve my constituents. If I had not so desired to serve my constituents I would not have come back here as a Member of this House. My utterances on the stump were in condemnation of certain policies of the House as a whole, policies that have grown up through the years. There will be at the close of this Congress bills passed where, if the rule is followed as it has been heretofore, the presiding officer will say, "Without objection, this bill will be considered as having been engrossed and read a third time and passed." It has been done here a thousand times, and certain bills have been passed within the twinkling of an eye. And my friend from Texas the minority leader of this House [Mr. GARNER] has been forced to appoint men, for example, Mr. COLLINS, of Mississippi, as an objector to watch legislation and stop it, and other men from the other side of the House have been appointed to watch legislation and stop it; to stop steals, not steals which Congressmen are attempting to make but steals attempted to be made by outsiders, and such important bills as the Muscle Shoals bill, involving \$150,000,000 of the people's money, are disposed of here, as was done the other day, with only half the membership of the House voting on it, showing that at the close of a Congress many Members naturally go home.

Has the time come when utterances made on the stump, utterances made in the heat of a campaign, are to be reviewed and censored by the House, with 435 Members elected every two years? Then I must say we shall not have any time for anything else.

I want to say this to you in conclusion: All I hope for you men is that in selecting your opponents, please select men and not ladies. The ladies are hard to beat. [Laughter.]

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Washington. I would like to ask the gentleman whether in previous Congresses he did not secure leave of absence to go to his home before adjournment of the session to attend to his campaign?

Mr. BLANTON. Yes; and I would suggest this to my friend, that if he had a heated campaign going on in his own district, and an attack is made upon him, such as has been made against me by the Washington Post, which articles have been sent down into my district, and which have caused three judges to announce against me—I would suggest to the gentleman that if he has a heated campaign he should go home. He has a right to go home and I have a right to go home. But I am not going until we adjourn.

Mr. JOHNSON of Washington. But I feel that I have many important duties to perform here.

Mr. BLANTON. I may say that the gentleman's performance of his duties has been of such benefit to the people that he has the right to go home. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to refer to the RECORD in connection with the statement of the gentleman where he said that only half of the Members have been present when such measures as Muscle Shoals were voted upon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FITZGERALD. This is an impeachment of the RECORD of May 28. I would like to have an examination made of the RECORD of that date, for the RECORD shows 323 present. [Applause.]

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent to take from the Speaker's table the bill H. R. 6, with Senate amendments, disagree to the Senate

amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I object.

ADDRESS OF HON. U. S. GUYER, OF KANSAS

Mr. FRANK M. RAMEY. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a speech made by my colleague the gentleman from Kansas [Mr. GUYER].

The SPEAKER. The gentleman from Illinois [Mr. RAMEY] asks unanimous consent to extend his remarks by inserting a speech of his colleague. Is there objection?

There was no objection.

Mr. FRANK M. RAMEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following Memorial Day address made by my colleague, Hon. U. S. GUYER, of Kansas, at the National Cemetery on the battle field of Antietam, May 30, 1930:

MEMORIAL DAY ADDRESS AT ANTIETAM

Mr. Chairman, General Pope, gentlemen of the Grand Army of the Republic, ladies, and gentlemen, I feel doubly honored and much beyond my deserts by this second invitation to speak on the battle field of Antietam on Memorial Day. For many reasons the field of Antietam always awakens tender emotions in my breast. Ninety-eight years ago along the winding, dreamy course of this old stream my mother was born. It marks a decisive victory for the Union and its arms. Over these hills an uncle rode with McClellan's cavalry that September day in 1862. Within the sound of the guns of Antietam all my grandparents and great-grandparents lie in their last slumber.

I remember, too, that it was here, on May 30, 1901, William McKinley delivered his last memorial address. Senator John M. Daniel, of Virginia, spoke that day with the President and, in his dramatic style, he portrayed how William McKinley, then commissary sergeant of an Ohio regiment, worked all the night of September 16 preparing food for his men and long before daylight on that fatal morning of September 17 drove over these hills with an Army wagon to give many a gallant boy his last breakfast. I am told a monument now marks the spot where those men were intrenched that night and where McKinley fed them in the morning.

We are here to-day to honor the memory of those men who, having "paid the last full measure of devotion," now sleep beneath the arch of the Union sky and under the sod of the land they loved so well. In honoring them we supremely honor our country and ourselves.

I never deliver a memorial address on this day without repeating a little poem by a Kansas poet who always speaks very close to the hearts of the people. I can think of nothing, unless it be the flowers, which better expresses the sentiment of Memorial Day than Walt Mason's *The Little Green Tents*, and in my opinion no sweeter honey of its kind has dripped from the hive of genius:

"On Fame's eternal camping-ground
Their silent tents are spread."

—O'Hara

"The little green tents where the soldiers sleep,
And the sunbeams play and the women weep,
Are covered with flowers to-day;
And between the tents walk the weary few,
Who were young and stalwart in 'sixty-two,
When they went to the war away.

"The little green tents are built of sod,
They are not long and they are not broad,
But the soldiers have lots of room;
For the sod is a part of the land they saved,
When the flag of the enemy darkly waved,
The signal of dole and doom.

"The little green tent is a thing divine;
The little green tent is a nation's shrine,
Where patriots kneel and pray;
And the brave men left, so old, so few,
Were young and stalwart in 'sixty-two,
When they went to the war away."

I want to compliment these gallant gentlemen of the Grand Army of the Republic who came here to-day in spite of advancing years and encroaching infirmities in order to pay a tribute of respect to their comrades in arms who sleep out yonder under the shade of these beautiful trees. Every year decimates their thinning ranks. To them it seems but yesterday that the hell of battle, shod with iron fury, plunged along these peaceful hills and vales; but yesterday that, with youth trumpeting in their hearts, they marched to heroic battle for their country's integrity. To us who are younger it seems far away, veiled in the mist of years; to them it is but the echo of the evening guns of yesterday. So with us of the later generation it is difficult to visualize these venerable men, crowned with the gray glory of honorable and

heroic years, as boys, clean lipped and vibrant with the electric energy of youth, marching with proud step at call of country and home. In memory some one has asked, "Where Is the Boy of Long Ago?"

"Nor lure of love in maiden's eyes,
Her face aflame with morning skies,
Could hold him with their magic spell
When came the time to say farewell.
Where is the boy of long ago?
Let bugles blare and trumpets blow,
Wave all the flags and beat the drums,
From Glory Land to-day he comes!

"Nor yet ambition's rare deceit,
Could halt his step or stay his feet,
Above him tossed the flag on high,
How hearts will ache when comes good-bye!
Where is the boy of long ago?
Let bugles blare and trumpets blow,
Wave all the flags and beat the drums,
From Glory Land he comes, he comes!

"The aged mother never a word,
From her loved son has ever heard,
The years are long, the silence grim,
At last to-day she hears of him!
Where is the boy of long ago?
Let bugles blare and trumpets blow,
Wave all the flags and beat the drums,
To-day from Glory Land he comes, he comes!

"He gave of all the world his store,
And where he lies on land or shore,
He comes to take his place with storied name,
Within the templed Halls of Fame.
Where is the boy of long ago?
Oh, that the maid were here to know!
Wave all the flags and beat the drums,
From Glory Land to-day he comes, he comes!"

These men who honor us with their presence are the last of a noble army which is rapidly disappearing from the scenes of its heroic deeds. But the work they achieved shall never pass away. The principles they cherished shall never fade. The Union they preserved shall endure as long as patriot hearts beat in devotion to the Constitution and the institutions it developed and sustained, under which liberty and justice prevail. It remains for us who follow them to see that their victories shall forever count in the Republic of the future, that the Union they preserved shall always be worthy of their sacrifices, and that the Constitution to which they devoted their lives shall persist and stronger grow as the years recede.

We are approaching the bicentennial of the birth of Washington, the founder of the Republic. We are with appropriate fitness preparing to celebrate that event, in honor of the two-hundredth anniversary of his birth, with renewed devotion to his principles and governmental ideals as moulded into the Constitution which he recommended and approved and in the framing of which he exerted a powerful influence, and as set forth in his Farewell Address—the greatest admonitory statement ever handed down by a founder of a nation for the guidance of posterity. Washington was the great sponsor of the Union to which these dead devoted their all. To him the whole destiny of our representative government depended upon a firm and lasting union of the States. He thought that out amid the lightnings of battle and in the silences of Valley Forge. It was he who pointed out the dangers of disunion and the consequences of foreign alliances and meddling of other nations in American affairs. Obedience to his admonition would have saved a world of unhappiness and a weltering sea of human blood.

The tragedy which raised these headstones and reared yonder monument belongs to a past whose scars are healing with the Union forever secure. The fratricidal blunder was in departing from the fundamental principles of the Constitution. The Constitution was predicated upon the indispensable policy of an indestructible Union. To destroy the Union was to destroy the Constitution. They must live or die together. These heroes died that both the Union and the Constitution might live and live they do, both stronger and firmer by reason of their sacrifice.

As we prepare to celebrate the two-hundredth anniversary of Washington's birth it is well to recount and remember what he said and what he did. In that immortal address, among other things, he set forth three fundamental propositions for our guidance: One was a jealous regard for the preservation of the Union of the States; another the avoidance of entangling alliances with foreign powers; and another was embraced in a warning against intense party spirit, particularly that which was founded upon geographical distinctions. He held that the domination of faction and party spirit, while not capable of complete subjection, should be restrained; that unscrupulous men making

use of the machinery of party and faction often subordinated the common welfare to their own selfish interests. There is no doubt that an observance of this warning would often have saved our country from evils that sprung from bitter partisan alignments which sometimes lost sight of the public good at the expense of the common weal.

His country evidently heeded his admonition as to the folly of permanent foreign alliances; for, say what we may about the coalition of powerful Senators allied to defeat the covenant of the League of Nations, behind the shadows towered the majestic figure of the silent man of Mount Vernon holding up a warning hand against entangling alliances with foreign powers. Woodrow Wilson, with all the power and prestige that a victorious war gives to the President, and the party in power, crumpled before the white flame of Washington's admonition.

Woodrow Wilson was thrilled with all the zealous enthusiasm of a medieval crusader, feeling that the challenge of Providence had flung into his lap the opportunity to hammer the swords and spears of war into the plowshares and pruning hooks of peace; and with an energy born of such an exalted dream he flung into the battle all the might of his splendid gifts, but to no avail. Woodrow Wilson's was a dream of peace. "Too proud to fight," was not merely an epigram; it was a profound conviction. His altruistic ideal was peace with freedom to the weak peoples of the earth.

Wilson, the dreamer, dictated the armistice on November 11, 1918. France and Foch longed to hurl their legions toward Berlin as did Napoleon after Jena in 1806. France would write a treaty in the palace of Potsdam as Bismarck had at Versailles in 1871. Wilson stood across the path to Berlin and France and Foch yielded. If France lost her prey in November, she would get her pound of flesh at the peace table at Versailles in 1919.

President Wilson wanted to make it a lasting peace based upon the principles of human brotherhood and would protect the white civilization of the earth from loss in future wars. He found the allied statesmen planning to sow dragon teeth instead of working to protect posterity from the ravages of other wars. One war planting the seeds of another; Napoleon trampling on Prussia in 1806 and Prussia planning for 60 years to crush France at Sedan. Against the cunning of Lloyd George and the craft of Clemenceau Wilson pleaded in vain. They were governed by hatreds, grudges, and fears a thousand years old; by interests we knew little of and cared little for. There was no room for the idealist and dreamer. Here rings the admonition of Washington like the blast of a bugle call: "Why quit your own to stand on foreign ground? Why entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?"

Woodrow Wilson saw the dawn of a new era; saw it with a grim and holy zeal. He saw another Pax Romana, a Roman peace, like that of the old Augustan age—the longest and noblest peace the world has ever known. He saw nations, great and small, free. The military might of the Allies would enforce peace. If it was a war to end war, why stop fighting when peace was in sight? The seven seas would be free. Never again would stealthy, unseen assassination hide beneath the wave of old ocean. The sea should never be a German lake or anybody's else lake. It would be open to the commerce of the earth.

He saw Poland free. He was a historian and he knew the philosophy of history. Never again would Prussia, Austria, and Russia partition Poland by the craft of Frederick the Great—Poland that had saved Christian civilization at the gates of Vienna 300 years before.

He saw Armenia broken and bleeding under the brutal scimitar of the Moslem, her maidenhood outraged, her childhood slaughtered, and her manhood and womanhood butchered. He would right this disgrace of all Christendom at last, and Armenia, under the wing of a mandate of the Allies, should be free. After centuries of persecution the oldest Christian nation should be free from persecution under the muzzles of the shotted guns of Christendom.

After centuries of political slavery the Czecho-Slovak and the Jugo-Slav were to breathe the sweet air of peace and liberty. Peace would reign under the "Parliament of Man" and "nations would learn war no more." In Woodrow Wilson's position it is easy to understand the attitude of so great an idealist. If his altruistic dream of peace could have materialized it would have produced the sweetest music that ever ravished the ear of the earth since "Peace on earth, good will toward men" sifted down upon the hills of Bethlehem.

That this dream of peace was doomed to defeat was the tragedy of his great life. It was to him what Zama was to Hannibal, what Waterloo was to Napoleon. It had no chance in the arena of European intrigue and destructive psychology. Happy will we be if we still heed the voice of Washington when he says: "The great rule of conduct for us is to have with them as little political connection as possible." Let him consider well before he defies the conclusions of the Jove-like judgment of Washington.

For that reason the wise admonitions of the Farewell Address should be drilled into the mind and soul of American youth that it may not be said of them in the maturity of their manhood and womanhood that they disregarded the wisdom of this seer and prophet, whose superlative foresight wrought that immortal address. These graves on this beautiful hill were filled because the wise and virtuous counsel of this super-

lately great man were forgotten in the heat of passion and in the fog of selfish interest until it took the thunderbolts of Antietam and Gettysburg to arouse the conscience of the Nation.

But in spite of all our blunders, and with the help of the sacrifices of these sacred dead, we are still one Nation, inseparably united and unfettered by any foreign alliance. We have developed under our united flag the richest nation of all time, yet in which the humblest child may have his opportunity to achieve his destiny to the limit of his capacity. That is the ideal for which these heroes died—to give to every boy and girl, man and woman, an equal opportunity in life.

That we have such a Republic under such a Constitution we owe to those who sleep yonder and to their comrades on a hundred battle fields who fought that men might be free to work out their destiny under the Constitution, which is strong enough to protect their liberties and flexible enough to meet every new emergency as it arises. When that Constitution was signed, the same date in September that this battle was fought, we had imprisonment for debt and thousands wore the shackles of slavery. The orderly evolution of liberty under the Constitution eradicated imprisonment for debt and a sea of human blood washed out the stain of slavery. And thus we will meet every new emergency that confronts the Republic, remembering what Washington said of the Constitution in that great address: "But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

So let us continue to build this Republic which these soldiers, living and dead, preserved; build it in ever widening circles of union, liberty, and freedom in order that here on this Western Hemisphere justice and equality may find sanctuary; that here the Constitution may be revered and enshrined; that here tolerance and true fraternity may abound; that here may still abide the refuge for the weak and oppressed and shelter for the innocent. Here let this Republic stand, the symbol of intelligence, virtue and righteousness, of honor and integrity, for all the centuries to come. Without these qualities all its wealth is chaff, all its majesty is but mockery, all its strength is sand, for when—

"The tumult and the shouting dies,
The captains and the kings depart,
Still stands thine ancient sacrifice,
An humble and a contrite heart.
Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!"

MEMORIAL DAY ADDRESS AT NATIONAL SOLDIERS' HOME, WASHINGTON, D. C.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a short memorial address made at the National Soldiers' Home on Decoration Day.

The SPEAKER. The gentleman from New York [Mr. CROWTHER] asks unanimous consent to extend his remarks by printing a speech delivered on Decoration Day. Is there objection?

There was no objection.

Mr. CROWTHER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following Memorial Day address delivered by myself at the National Soldiers' Home, Washington, D. C., May 30, 1930:

Mr. Chairman, members of the Grand Army, and friends, for 37 years this day of memorial was devoted entirely to the memory of those who sacrificed their lives in the great Civil War.

During all these years our country grew in numerical strength and developed its resources to such a degree that we ranked among the first nations of the earth. All that we knew of war during that period was derived from a study of our histories. No armies had invaded or destroyed the sanctity of our homes, or laid in barren waste the land this Nation has so magnificently developed.

There had been no tearful partings to try the souls of our women, no empty chairs at the fireside as a result of the men of our Nation being sacrificed to the God of War. We lived in peace and prosperity, and there came into our blessed land the poor and oppressed from every country across the seas. America for them meant opportunity, and under the beneficent influence of our educational system and advantageous environment their boys and girls grew up to be loyal Americans, and when the Nation's necessity demanded their services they responded with that degree of enthusiasm so indicative of young America.

Then came the Spanish-American War in 1898, and the sons of the men who served the Union in 1861 girded on the armor and marched away to the defense of a people who were being oppressed by one of the Old World powers. Once more our Army and our Navy were victorious, but the shouts of conquerors were hushed. As the dead were borne to their last resting place the members of the Grand Army and those who opposed them in the Confederate Army decorated the graves of their sons as they had for years placed the wreath and the flag on the graves of their comrades.

Who shall deny that the sacrifices made in the Spanish-American War did not bring the North and South into closer communion and aided in obliterating that line of demarcation that still separated North and South?

Then came two decades of peace and happiness, and we forgot war and its angry brood, its bloodshed and devastation, and our lives were devoted to peaceful pursuits once more. We made tremendous strides in the arts and sciences, the wheels of industry turned day and night, and the tillers of the soil brought forth from Mother Earth bountiful crops for our own necessities and to supply many other less-favored portions of the world.

The genius of our inventors placed us in an enviable position as regards industrial supremacy. Inventions most marvelous increased production and saved the necessity for toilsome labor. Scientific investigations revealed the wondrous resources that lie deep in the valleys and on the mountain sides and great prairie lands.

Our commerce extended to all parts of the world, and American enterprise and ingenuity and a record for fair and square dealing made for us a reputation to be envied.

Our educational institutions were annually sending forth to participate in the battle of life thousands of well-equipped young men and women, and the paths of opportunity were crowded with those who realized that there was no royal road to success but that it meant a journey replete with hard knocks and many disappointments.

And we were a God-fearing people, happy in the knowledge that here reigned freedom as to cult or creed, and having faith in the Creator and all His manifestations of wisdom we felt that our Nation was built on the solid rock and not in the shifting sand.

Then came the mutterings of war from over the seas, and it was not long before we realized that the Old World was ablaze with the fires of hatred and jealousy. For three years we acted as spectators, but we were so far from the field of action that we were unable to visualize the enormity of the bloodshed and crime.

Then came the day when a state of war was declared, followed by feverish preparation, for we were like the foolish virgins who were without their oil. But once more American genius came to the rescue and like magic were constructed the cantonments, and ships and guns and ammunition and the savings of the poor with the wealth of the rich were turned into a common fund to pay the bills.

From every walk of life, high and low, rich and poor, educated and uneducated, came the greatest army that the world has ever produced. The American boy had tradition to uphold, had a nobility and integrity of character to maintain, and an inborn sense of loyalty and devotion to his country and her flag that constituted him a formidable and unbeatable representative of Uncle Sam.

The record of the American troops in France needs no eulogy from me, for their place is secure among the seats of the mighty.

In this beautiful city of the dead, where lie sleeping those who were near and dear to many of us, it is fitting that we should honor the memory of those who gave their lives as the last measure of devotion to their country.

To-day at the Gettysburg battle field are gathered thousands of our American citizens to listen to a message from the Chief Executive of this Nation, the President of the United States. At the National Amphitheater in Arlington the services will be in charge of the Department of the Potomac.

During the last few days the gold-star mothers have visited the graves of their dearly beloved sons in France, and the sympathy of all the nations of the world is extended to these glorious mothers who gave of their own flesh and blood in the hour of the Nation's need.

After all, the success of a nation depends not so much upon its great armies and navies as upon the loyalty and patriotism of its citizens. From the sound of the first shot at Lexington and Concord up to the present time we have never felt the need of a great standing army, for the support of which our people would be burdened. In this the greatest of all world powers, we have found that whenever danger threatened, or there was a righteous cause to be defended, the patriotic spirit of American manhood notifies the world at large that in the United States every man is a soldier and is willing to make any sacrifice for his country and its flag.

To you gentlemen who all served with honor and distinction in the Civil War, we this day pay homage. Many of you were but boys in years, but you had the hearts of men and the faith and courage of crusaders. You have lived to see your country united; you have lived to see the dreams of Abraham Lincoln come true, with one flag flying over us, loved, honored, and revered by all the people of this United States.

The journey from Fort Sumter to Appomattox was long and disastrous. Many thousands of lives were sacrificed and many homes were devastated. In these later years we have seen the Blue and the Gray march together, no longer enemies but friends, all with a common desire to see our Union prosper and flourish. God grant that civil war may never raise its bloodstained standard in this fair land again.

From this abode of earthly activities, we must all sooner or later take our departure. Life holds for us all much of joy and sorrow; and there will come a day when we shall walk in our garden of Gethsemane and see our hopes dashed to earth, the roses of happiness turned to ashes, and those we love and cherish leave us forever. At that hour we shall need a full measure of faith in the Creator of the universe, who, we pray, will make a place for us in His spiritual temple. Then

shall we be reunited with those blessed souls who have gone before and live on and on in that land where grief and sorrow are banished and time is eternity.

"Rest on, embalmed and sainted dead,
Dear as the blood you gave;
No implous footsteps here shall tread
The herbage of your grave,
Nor shall your glory be forgot
While Fame her record keeps,
Or Honor points the hallowed spot,
Where Valor proudly sleeps."

MEMORIAL ADDRESS OF PRESIDENT HOOVER AT GETTYSBURG

Mr. MENGES. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an address made by the President of the United States at Gettysburg on Memorial Day.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing an address delivered by the President of the United States at Gettysburg on Memorial Day. Is there objection?

There was no objection.

Mr. MENGES. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address of President Hoover at the Gettysburg battle field on May 30, at 2.30 o'clock p. m.

Fellow countrymen, we stand to-day amidst monuments to the valor and glory of a generation of Americans, North and South, now well-nigh gone. Most of those who bore the burdens of the Civil War have joined their comrades who sleep beneath these mounds. Of a thousand brigades which marched in that great conflict, scarce a score remain.

To the dead we pay again our tribute of gratitude and devotion. To the living we extend heartfelt wishes for a continuation of peaceful years, serene in contemplation of their glorious youth. The time must come all too soon when these living ties of our generation with the historic past will have passed on. Then we shall have only cherished memories to remind us of those men who heroically died and those women who bravely suffered for great ideals, or who lived on to consummate the reunion of our country, to give stability to its Government, and peace to its people.

Every American's thought of this great battle field of Gettysburg flashes with the instant vision of the lonely figure of Lincoln, whose immortal words dominate this scene. No monument has been or can be erected here so noble and enduring as that simple address which has become a part of this place. Greater than the tribute of granite or bronze remains that memorable message to the American people. That appeal for the unity of our people and the perpetuation of the fundamentals of our democracy is as vital to-day in our national thinking as it was when Lincoln spoke. Behind him were the 70 years of national experience that had passed between himself and Washington. His words from their span of the past rang with courage and assurance for the future. Though no President has been so beset, though no time in our history has been so dark, though never have strong men been so affected with doubts, yet in the midst of all that turmoil he found strength to lift his head above the clouds and proclaim that vision which the passing years have so fully confirmed.

To-day nearly 70 years have passed since Lincoln spoke. Ours is a new day and ours new problems of the Republic. There are times when these problems loom ominous and their solution difficult. Yet great as our difficulties may sometimes seem, we would be of little courage if in our concerns we had less of faith than Lincoln had in his far greater task.

Lincoln's counsels sounded strangely when spoken in the midst of war. His was the call of moderation. Our history would be even brighter than it is if his predecessors and his contemporaries had spoken as temperately as he, if they had been moved by charity toward all, by malice toward none.

We shall be wise to ponder here what precious wealth of human life might have been preserved, what rivers of tears might never have flowed, what anguish of souls need never have been, what spiritual division of our people might have been avoided, if only our leadership had always been tempered by the moderation and calm vision of Lincoln. Since his day reason has not always ruled instead of passion, knowledge has not always been sought instead of reliance upon improvised conjecture, patience has not ever delayed the impetuous feet of reckless ambition, quiet negotiation has not always replaced the clamor of the hustings, prudent common counsel has not invariably overcome the allurements of demagogic folly, good will has not always won the day over cynicism and vainglory. Yet the ideals which he inspired have served to mold our national life and have brought in time great spiritual unity. His words have poured their blessings of restraint and inspiration upon each new generation.

In the weaving of our destiny, the pattern may change, yet the woof and warp of our weaving must be those inspired ideals of unity, of ordered liberty, of equality of opportunity, of popular government, and of peace to which this Nation was dedicated. Whatever the terms

may be in which we enunciate these great ideals, whatever the new conditions to which we apply them, they must be held eternally valid. The common striving for these ideals, our common heritage as Americans, and the infinite web of national sentiment—these are the things that have made us a great Nation, that have created a solidarity in a great people unparalleled in all human history.

The weaving of freedom is and always will be a struggle of law against lawlessness, of individual liberty against domination, of unity against sectionalism, of truth and honesty against demagoguery and misleading, of peace against fear and conflict. In the forming of this pattern the abuse of politics often muddles the stream of constructive thought and dams back the flow of well-considered action.

In the solution of the problem of our times we have some new lamps to guide us. The light of science has revealed to us a new understanding of forces and a myriad of instruments of physical ease and comfort to add to the joy of life. The growth of communications, of education, of the press, have made possible a new unity of thought and purpose. But the light that guides our souls remains the same as that whereby our fathers were led. It is the store of knowledge, the great inspirations of men's souls, the ideals which they carry forward, that have lifted the Nation to ever greater heights.

The Union has become not merely a physical union of States but rather is a spiritual union in common ideals of our people. Within it is room for every variety of opinion, every possibility of experiment in social progress. Out of such variety comes growth, but only if we preserve and maintain our spiritual solidarity.

The things of the spirit alone persist. It is in that field that the Nation makes its lasting progress. To cherish religious faith and the tolerance of all faiths; to reflect into every aspect of public life the spirit of charity, the practice of forbearance, and the restraint of passion while reason seeks the way; to lay aside blind prejudice and follow knowledge together; to pursue diligently the common welfare and find within its boundaries our private benefit; to enlarge the borders of opportunity for all and find our own within them; to enhance the greatness of the Nation and thereby find for ourselves an individual distinction; to face with courage and confident expectation the task set before us, these are the paths of true glory for this Nation. They will lead us to a life more abounding, richer in satisfactions, more enduring in its achievements, more precious in its bequests to our children—a life not merely of conflict but filled with the joy of creative action.

PRIZE FIGHTING AND AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

The SPEAKER. The Clerk will call the Consent Calendar.

The first business on the Consent Calendar was the bill (H. R. 9182) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. MICHENER). The gentleman from Oklahoma [Mr. MCCLINTIC] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

NATIONAL PROHIBITION ACT

The next business on the Consent Calendar was the bill (H. R. 11199) to amend sections 22 and 39, Title II, of the national prohibition act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from New York [Mr. LAGUARDIA] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

DELINQUENT LANDS ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 11200) to provide for the acquisition, sale, and closer settlement of delinquent lands on irrigation projects by the Government to protect its investment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, when this bill was called up before I indicated some questions with reference to it. I have discussed it with the gentleman from Idaho [Mr. FRENCH] and he has worked out some amendments which are agreeable to me, and I have no objection to the bill.

Mr. STAFFORD. Reserving the right to object, I think the House would be interested in having the amendments forecasted.

Mr. O'CONNELL. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. O'CONNELL. I would like to ask the gentleman from Idaho if the amendments which he has in contemplation reduce this \$250,000 in any sum?

Mr. FRENCH. No; they do not. I would say, however, that the department does not expect there will be more than one-fifth of that required in any one year, and if the gentleman will read the bill he will notice it is not an appropriation for a purpose that is not to be refunded. On the other hand, it is an advance of money for the purchase of certain lands through the buying up of delinquent tax titles, with the object of opening those lands to settlement again, and collecting the money advanced by the Government.

Mr. CRAMTON. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. CRAMTON. The lands are, of course, interlarded with other lands on the irrigation project, the water running by them. It is essential that the entire project be under cultivation, and this is an attempt to make the projects more sound financially and in order that the Government will get back its money involved in construction.

The question which I raised the other day was that the time for repayment for the land was as long as 20 years. Personally, it seemed to me that 10 years was long enough, but as the bill stands, until the lands are paid for, patent would not issue; and the lands would not be taxable locally, which would create an undesirable situation if the time were as long as 20 years. Now, the gentleman from Idaho [Mr. FRENCH] has worked out language, after consultation with the Bureau of Reclamation, so that after five years the lands will be taxable, but the lien of the Government for its money will be first and any lien for taxes would be second. It is an attempt to safeguard it further.

Mr. STAFFORD. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. STAFFORD. Has the gentleman worked out any provision whereby the amount of encumbrances and tax liens shall be less than the appraised value? I question very much whether the Government should take over lands where the encumbrances and liens against it are equal to the value of it. I remember when this bill was last under consideration the gentleman from Michigan [Mr. CRAMTON] had some comment to make upon that phase of the question.

Mr. CRAMTON. I think the gentleman is confusing this with the Bitter Root project, where it was 75 per cent.

Mr. STAFFORD. The same general principle applies.

Mr. CRAMTON. As to this I have suggested certain amendments which I have not mentioned but which are acceptable to the gentleman from Idaho [Mr. FRENCH]. That is, that the penalties and interest on taxes unpaid should not be included; that it would simply be the taxes themselves and, further, at the end of section 3, to strike out the words:

So far as authorized by the laws of the State involved.

So that as amended no purchase would be made by the Secretary until the appropriate reduction has been made by the remission, in whole or in part, of such encumbrances and unpaid taxes. If the laws of the State do not permit such remission, then there will be no purchase, and that is the misfortune of the State.

Mr. STAFFORD. I have had difficulty, since I examined this bill, in agreeing to the policy that the National Government should take over irrigated lands where there are encumbrances held by private parties which, together with tax liens, aggregate the value of the land. I do not think that is good business practice. I do not think Uncle Sam should be the Santa Claus in such cases. I do not think any municipality or any county would think of buying land where the mortgage encumbrances and tax liens were equal to the value.

Mr. FRENCH. I will say to the gentleman that there are no mortgage encumbrances upon the land.

Mr. STAFFORD. Not mortgage encumbrances but bonded indebtedness.

Mr. FRENCH. No. The Government itself has advanced the money for the reclamation of the land. It is, then, essentially for the protection of the investment made by the Government, through the reclamation fund, that we are endeavoring to provide a way by which the Government may take the land upon which it has advanced money for reclamation through the payment, as my colleague from Michigan has said, of moneys equal to the accrued penalties and taxes, and providing new settlers who will take the land from the Government, repaying the

Government for moneys advanced and continuing with the program of paying out under the reclamation act.

Mr. STAFFORD. Uncle Sam is to be the Santa Claus in this case. The irrigated project is defunct.

Mr. CRAMTON. No; this is a different proposition. This is where there is an irrigation project and in the course of the operation some of the settlers have not been able to keep up with their indebtedness, have not been able to pay their taxes, and their lands have gone out of their possession through tax title. That is the only question involved. They lost their title and the lands go over to the State because of unpaid taxes, and they lie there unused, with the penalties and charges accumulated, so that nobody can handle them. Checkerboarded as they may be in other lands, it makes it very difficult for that project to succeed, with the accumulation of these unused lands. So it is proposed that the Government, out of the reclamation fund, would acquire those lands and sell them to individual settlers. Then the bill, as the gentleman from Idaho will amend it, will provide that after the Government takes over these lands it will not pay anything in the way of interest or penalties. It will pay no more than the taxes, and the Secretary is required to determine whether the charges are excessive, so that the lands will have to come within a price for which the lands can be sold to some other settlers.

Mr. STAFFORD. There is no provision in the bill determining what the Secretary should regard as excessive. It leaves that entirely to his discretion.

Mr. CRAMTON. It is provided in section 3 that no purchase shall be made until an appraisal has been made showing that the value of the land, taking into consideration all conditions under which it will be sold to settlers, is equal to or in excess of the encumbrances outstanding. So he will sell it for enough to take care of those encumbrances.

Mr. STAFFORD. Is it the thought of the proponent of this bill that in these instant cases the original settler will be able to get back his property, or is it proposed to have a new settler take the property?

Mr. FRENCH. There is no provision on that particular point, but I have no thought that the original owner would be the one, after letting his land go delinquent, to come in and purchase it again.

Mr. STAFFORD. The bill only relates to instances where the encumbrances and the tax liens are equal to or in excess of the appraised value. Now, you want Uncle Sam to come to the rescue, after the individual tracts have been sold for tax liens. Why should Uncle Sam come to the rescue when the encumbrances and the tax liens are in excess of the appraised value?

Mr. FRENCH. I would say to the gentleman we do not provide for the Government coming to the rescue where lands have been sold to private individuals, rather it is a way by which the Government may advance the money and take over lands from the counties, which lands have been taken over by the counties through the nonpayment of taxes.

Mr. STAFFORD. Why should the Government take over these lands when the amount of the taxes is more than the value of the land?

Mr. FRENCH. For the protection of the Government's investment.

Mr. CRAMTON. I do not think the gentleman has read that quite accurately. As I understand, it is the opposite of the gentleman's statement. The appraisal must show that the value of the land is equal to or in excess of the encumbrances. So, that if the encumbrances are greater than the appraisal or greater than the value of the land, we then do not take it over unless there is a remission of a part of the taxes.

Mr. STAFFORD. Then, in the same section it is provided that only in the case where the Secretary finds that the encumbrances and unpaid taxes are in excess of the appraisal that he is not obligated to purchase these lands.

Mr. CRAMTON. It says that no purchase shall be made until an appraisal has been made and approved, showing that the value of the land, taking into consideration certain conditions, is equal to or in excess of the encumbrances.

Mr. STAFFORD. And the last sentence of the paragraph is, "if the outstanding encumbrances and unpaid taxes are regarded by the Secretary as excessive, no purchase shall be made unless and until appropriate reduction has been made by remission."

Mr. CRAMTON. That is, until a part has been remitted.

Mr. STAFFORD. This is quite a large sum for Uncle Sam to contribute to the aid of defunct irrigation projects.

Mr. CRAMTON. The gentleman must remember as to a given project, before this would happen, the Government may already have invested several million dollars in the construction of works.

Mr. STAFFORD. Oh, I can conceive of that in connection with the Reclamation Service, because it has been our poor baby for years and years, ever since Director Newell got it into the slough of despond.

Mr. CRAMTON. Without arguing that general proposition, on a project where the Government has several million dollars invested in construction works which is to be repaid by the settlers, if some of the land has been sold for taxes and there is nobody on it, then the Federal Government is not going to get its money back and the purpose of this bill is to help to get the money that was spent on construction works back into the Treasury.

Mr. STAFFORD. Is it the gentleman's idea to have available \$250,000 every year?

Mr. CRAMTON. Oh, I would say not.

Mr. STAFFORD. Will the gentleman read the amendments which I assume will safeguard, in a way, the interests of the Government? I am not inclined to favor the bill as it is.

Mr. CRAMTON. The amendments are to eliminate payments of penalties or interest on taxes.

Mr. STAFFORD. What is the phraseology?

Mr. CRAMTON. On page 2, line 23, at the end of the sentence, after the word "unpaid," insert "not including penalties or interest on such taxes," and on page 3, line 5, insert the same language, and at the end of that section strike out the words "so far as authorized by the laws of the State involved." So that if the State did not have any law permitting remission of a part of the taxes, then the Secretary could stand still and do nothing.

Then there is a rewriting of sections 5 and 6, to make it clear that the lands can be taxed after five years from this second sale, but that any tax lien arising by reason of these taxes would not be superior to the Government's lien for the cost of these lands and for the construction charges.

Mr. STAFFORD. So as not to have a continuous performance of the Government coming in and advancing money for back taxes.

Mr. CRAMTON. Yes.

Mr. STAFFORD. Will the gentleman state what the condition of the reclamation fund is at the present time? I notice this \$250,000 is to be appropriated out of the reclamation fund.

Mr. CRAMTON. In that connection may I say this does not authorize an annual appropriation of \$250,000. It authorizes a total appropriation of \$250,000. This might not be in one year, but the total appropriations under this bill are limited to \$250,000.

Mr. STAFFORD. But what is the present status of the reclamation fund? How much are they in debt to the Government?

Mr. CRAMTON. Their debt to the Government was \$20,000,000. There is paid \$1,000,000 a year and these payments are being made as they mature. I think there is eight or nine million dollars still to be paid, but it is being paid as it matures, and with works under construction and revenues from other funds, the fund is solvent. There will be at the end of this year several million dollars as a balance.

Mr. STAFFORD. And the gentleman from Idaho does not believe there will be any necessity for coming to Congress for similar relief for any of this character of defunct irrigation units?

Mr. FRENCH. I should hope not. We are trying to provide here a way by which the Government may safeguard the investment it already has, and I believe this bill will do that.

Mr. DOUGLAS of Arizona. If the gentleman will permit, may I say to the gentleman from Wisconsin that the success of an irrigation project hinges very largely upon the amount of land actually devoted to the cultivation of crops. In certain projects certain acreages are not now devoted to the cultivation of crops, and, as I see it, the purpose of this bill is to permit the acquisition of such uncultivated lands by the United States so as, in turn, to permit a resale to somebody who will place the lands under cultivation. To the extent to which this bill permits the resale of such land to persons who will place the land under cultivation it will tend, at least, to make the project financially solvent.

Mr. STAFFORD. Will the gentleman indicate to the House what is the existing practice as to tax-ridden land—does the county attempt to sell the units or allow them to lie dormant?

Mr. FRENCH. For the most part they are lying dormant, although the county has the right under the general law of the several States of offering tax-delinquent land for sale, but for the most part it is a dead letter. There are few buyers.

Mr. DOUGLAS of Arizona. Will the gentleman yield for a question? In section 2 do you understand that language to mean that the Secretary may purchase the title to land by any method he may see fit to use?

Mr. WOODRUFF. Mr. Speaker, the regular order.

The SPEAKER pro tempore. The regular order is called for.

Mr. STAFFORD. Who demands the regular order?

Mr. WOODRUFF. I do not think the House should spend all the afternoon on one bill.

Mr. STAFFORD. We are just about closing consideration of this matter.

Mr. WOODRUFF. I will withhold the regular order for one minute. We have been wrangling over this for 15 or 20 minutes.

Mr. STAFFORD. That is a proper time to take on such an important bill.

Mr. FRENCH. In answer to the gentleman from Arizona, I will say that the fee of the land is in the Government up until five years after the homesteader or the desert-land entryman has acquired it. After that time the fee would be in the settler himself and it would be for the Government under this law to acquire the land through acquisition of tax titles.

Mr. CRAMTON. This is broad enough to apply to land where the title was not in the Government.

Mr. FRENCH. I think that is true.

Mr. WOODRUFF. Mr. Speaker, I renew the demand for the regular order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

H. R. 11200

A bill to provide for the acquisition, sale, and closer settlement of delinquent lands on irrigation projects by the Government to protect its investment

Be it enacted, etc., That when used in this act—

(a) The word "Secretary" means the Secretary of the Interior.

(b) The words "reclamation law" mean the act of June 17, 1902 (32 Stat. 388), and all acts amendatory thereof or supplementary thereto.

(c) The words "reclamation fund" mean the fund provided by the reclamation law.

(d) The word "project" means a Federal irrigation project authorized by the reclamation law.

(e) The words "division of a project" mean a substantial irrigable area of a project designated as a division by order of the Secretary.

(f) The words "farm allotment" mean an area of land not exceeding 160 acres designated by the Secretary as a farm allotment.

SEC. 2. The Secretary is authorized, in his discretion, to acquire title to lands within the limits of existing projects or projects that may be adopted under the reclamation law by purchase of prior incumbrances, including tax titles, or in any other way that may be found feasible, whenever in his judgment it is necessary or advisable to do so in order to protect the investment of the United States or to secure the proper settlement and development of project lands.

Mr. FRENCH. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Page 2, beginning in line 12, strike out the words "or in any other way that may be found feasible."

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. No such purchase shall be made until an appraisal has been made and approved by the Secretary, under regulations to be approved by him, showing that the value of the land, taking into consideration all conditions under which it will be sold to settlers as hereinafter authorized in this act, is equal to or in excess of the incumbrances outstanding and the taxes due and unpaid. Such appraisal shall show the amount of incumbrances and unpaid taxes outstanding, together with all other details essential to demonstrate to the satisfaction of the Secretary that the purchase is necessary and advisable in order to protect the investment of the United States and to secure the proper settlement and development of project lands. If the outstanding incumbrances and unpaid taxes are regarded by the Secretary as excessive, no purchase shall be made unless and until appropriate reduction has been made by remission, in whole or in part, of such incumbrances and unpaid taxes so far as authorized by the laws of the State involved.

Mr. FRENCH. Mr. Speaker, I offer the following amendment: Page 2, line 23, after the word "unpaid," insert "not including penalties or interest on such taxes."

The amendment was agreed to.

Mr. FRENCH. I offer another amendment:

The Clerk read as follows:

Page 3, line 5, after the word "taxes," insert a comma, and the words "not including penalties or interest on such taxes."

The amendment was agreed to.

Mr. FRENCH. Mr. Speaker, I offer another amendment.

The Clerk read as follows:

Page 3, line 9, after the word "taxes," strike out the remainder of the line.

The amendment was agreed to.

Mr. FRENCH. Mr. Speaker, I have another amendment, which, it has been agreed, will be a substitute for section 5. I ask unanimous consent that it be read in lieu of section 5.

The SPEAKER pro tempore. Without objection, it is so ordered, and the Clerk will read the substitute in lieu of the original amendment.

The Clerk read as follows:

Page 3, line 20, strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. The Secretary shall offer for sale and sell said farm allotments to applicants under such rules and regulations as may be promulgated or prescribed by him, and shall require each applicant for a farm allotment to show that he has had sufficient actual farming experience and is possessed of adequate capital in money or farm equipment, or both combined, as, in the judgment of the Secretary, shall assure reasonable success of the purchaser. The deposit on the purchase price shall not be less than 10 per cent, and the balance thereof shall be repaid in not more than 10 semiannual amortized installments, with interest at 5 per cent per annum. The purchaser herein, within a period not longer than five years from the date of his contract of purchase, shall submit proof that he has complied with all the provisions of the purchase contract, and such proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the act entitled "An act providing for patent on reclamation entries and for other purposes," approved August 9, 1912, as amended: *Provided*, That prior to the receipt of patent and final water-right certificate any such purchaser of a farm allotment under this act shall not sell, lease, mortgage, or assign his right, title, or interest therein, without approval of the Secretary: *Provided*, That in each case the purchaser shall have the right on any installment date to pay any or all installments then remaining unpaid: *Provided further*, That the construction charges and the charges for operation and maintenance against the lands on account of water right shall be paid in accordance with the requirements of the reclamation law."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection.

Mr. FRENCH. Mr. Speaker, I make the same request with respect to section 6.

The SPEAKER pro tempore. Without objection, the Clerk will read the amendment in lieu of section 6.

There was no objection, and the Clerk read as follows:

Page 4, line 8, strike out all of section 6 and insert in lieu thereof the following:

"SEC. 6. The interest of purchasers in such land shall be subject to taxation by the State or political subdivision thereof after five years from the date of such sale, and to assessment following such sale by any irrigation district embracing the land so sold: *Provided*, That all such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership: *Provided*, That the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, whether accrued or otherwise, but the holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee under the provisions of the act of June 23, 1910."

Mr. O'CONNELL. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman from Idaho whether this is a substitute for the entire section 6.

Mr. FRENCH. Mr. Speaker, the language just read is a substitute for section 6 of the bill, and is the language referred to by the gentleman from Michigan [Mr. CRAMTON] a while ago, providing for State taxation after the land shall have been sold by the Government to a purchaser following a period of five years and notwithstanding the fact that construction charges are only partially paid. We provide in this amendment that the lands may be subject to taxation by the States, and we provide that the Government shall hold a prior lien upon the lands on account of the money due the Government for construction and operation charges.

Mr. O'CONNELL. It is now 5 years instead of 10.

Mr. FRENCH. Section 5 reduces the period to five years, within which time the delinquent taxes and other accrued expenses must be paid other than construction and operation charges. Under the pending amendment a patent may be issued

after five years, and then the lands will be subject to taxes of the States and counties, providing, however, that the Government shall retain a prior lien on account of its investment in the reclamation system.

Mr. O'CONNELL. That is the way it was explained by the gentleman from Michigan.

Mr. FRENCH. Yes.

Mr. STAFFORD. Mr. Speaker, if the gentleman will yield, I wish to inquire as to what right the National Government has over State land to determine that its lien shall be superior to the tax lien of the State, as is provided in the amendment under consideration.

Mr. FRENCH. The language of the amendment is substantially the language that obtains under existing law, touching other lands that are within reclamation projects, lands that are acquired either under the homestead law or under the desert land law. Under those laws we provide that after a period of five years a patent in fee may be issued, and the States will thus have the right to tax the land.

Mr. STAFFORD. I agree with the gentleman that if the title has never departed from the National Government, naturally the State would have no prior lien for taxes levied against the land, that the National Government could make it conditional that the taxes of the State would be subordinate, but it is only when the title to the land has not left the National Government.

Mr. CRAMTON. That is the purpose of the gentleman's provision.

Mr. STAFFORD. So the title to these lands is still in the National Government?

Mr. CRAMTON. The gentleman must not be confused. Before this law goes into action the lands in private ownership have become encumbered with taxes. It is proposed that the Government will come in and acquire title to these lands and then resell the lands under a contract, and the purchasers will have a period of years in which to pay the Government for those lands, but until they do pay for them the title remains in the Federal Government.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAMTON. The title remains in the Federal Government. This bill, as the gentleman proposes, will permit the State to begin to assess those lands, but as long as the title is in the Federal Government, or as long as the Government has a charge against those lands for the construction charge, the Government lien will be superior to the tax lien, and the language is the same language that Congress used two or three years ago in similar legislation.

Mr. STAFFORD. If these lands are regarded as private lands, then the National Government can not deprive the State of its right to a superior lien through the taxing power of the State.

Mr. CRAMTON. When section 6 comes into operation they are lands owned by the Government, and they are being sold. They have been acquired, the tax title has been extinguished, and the Federal Government has acquired the land when section 6 comes into operation.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill, as follows:

SEC. 7. In case of default on the part of the purchaser to comply with any of the terms of his contract, or such reasonable regulations promulgated by the Secretary as may be necessary to carry out the purpose of this act, continuing after one year's notice, the Secretary shall have the right, in his discretion, to cancel said contract, and thereupon shall be released from all obligations in law or in equity to convey the property, and the purchaser shall forfeit all rights thereto, and all payments theretofore made shall be deemed to be rental paid for occupancy. The Secretary shall thereupon be entitled to the possession of said property. The failure of the Secretary to exercise any option to cancel contract for default shall not be deemed a waiver of the right to exercise the option to cancel said contract for any default that may occur thereafter on the purchaser's part.

SEC. 8. The Secretary is authorized to perform any and all acts and to make all needful rules and regulations for effectuating the purposes of this act.

SEC. 9. An appropriation of \$250,000 is hereby authorized to be made from the reclamation fund to effectuate the purposes of this act.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TITLE TO CERTAIN LANDS IN MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BITTER ROOT IRRIGATION PROJECT, MONTANA

The next business on the Consent Calendar was the bill (H. R. 9990) for the rehabilitation of the Bitter Root irrigation project, Montana.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, if I am not mistaken, this bill has heretofore been passed over without prejudice. I would like to say to the author of the bill [Mr. LEAVITT] that it seems we are really making the Government a disbursing agent to a private enterprise. I have talked over this matter with my colleagues here on this side of the aisle, and I would like to ask the author of the bill if he would be willing to accept \$500,000 as the sum necessary to be used for the rehabilitation of the Bitter Root irrigation project in Montana instead of \$750,000?

Mr. LEAVITT. The gentleman from Michigan [Mr. CRAMTON] has prepared an amendment to the bill—he did so when it was up before—limiting the Government to 75 per cent.

Mr. O'CONNELL. I would be glad to hear the gentleman from Michigan.

Mr. CRAMTON. There is a broad question of policy involved here. When the reclamation fund was created it was stated that 90 per cent of it was to be used on public lands. Instead of that, on the new projects now under construction I think 90 per cent of the land is under private ownership. Out of the revolving fund some \$9,000,000 to \$10,000,000 is spent annually.

It is going to be spent, and the question before us is, How is it going to be spent? My sympathy is with the view that some may well be applied to salvaging privately owned projects under proper conditions. I am convinced that the proposed expenditure involved here is the best solution that can be made.

Mr. O'CONNELL. At so large an expenditure? Seven hundred and fifty thousand dollars is an immense sum.

Mr. CRAMTON. As large as is justified by the conditions. It is better to spend enough than to spend only half enough and fail. Here is an insufficient water supply, and as a district, not as individuals, the project is so encumbered by debts that it is not solvent. It is proposed here to practically take over that project—

Mr. O'CONNELL. Which is a failure?

Mr. CRAMTON. It is so involved in debt as not to be a success. If we are going to spend \$8,000,000 or \$10,000,000 in a year, to my mind it is better to take a district already in operation which is not a success, because of the debts against it, and try to bring prosperity to a community already established, rather than to go out into the desert and do irrigation work and spend money to bring people in there. In other words, it is better to try to work out success to an existing project. I do not believe that the Government ought to take over 100 per cent of the debts of that project. If they are in condition to pay 100 per cent, they can work out their own salvation.

I am proposing to amend and say in the first provision for liquidating and paying the indebtedness on the first project not exceeding 75 per cent may be advanced. The holders of the bonds and the other debts outstanding must scale down their obligations at least to 75 per cent. We can not compel them to scale down their debts, but if they do not choose to do so they will have to look to the project for payment and not to the Government. If the Government does take over the project, it must perform some further work of construction. The Reclamation Service feels that that \$750,000 is necessary. I would not favor that sum being cut down without some more definite information.

Mr. LAGUARDIA. It is an attempt to pull out what we can from the project?

Mr. CRAMTON. Yes. It seems to me if this is done there will be similar demands elsewhere, and that it will be better

to use the reclamation funds to save existing districts than to establish new projects and bring new acreage under cultivation.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. JENKINS. It is recommended that \$750,000 be carried over. How much has the Government invested in this project now?

Mr. LEAVITT. The Government has not anything in it now, but a community of over a thousand people already live there. There are in the neighborhood of four or five hundred land-owners who have learned by experience how to handle that land, and who will be in a position to make out of it a successful community if the indebtedness of their project can be rewritten. The same thing has been done with similar projects under Government supervision during the last few years.

Mr. JENKINS. What assurance has the gentleman that the same thing will not be duplicated in a year or two, and Congress be called upon next year to appropriate an equal amount?

Mr. LEAVITT. Because the economic side of this project has been studied. That same study is now required in advance of an appropriation of money on all new reclamation projects. The transportation is already there. The proper use of the land, the kind of crops that can be produced to advantage, and all such things have been developed. The economic question has been resolved to a simple matter of placing the indebtedness against the project in such form that it can be met.

Mr. JENKINS. Do I understand that this \$750,000 will come from a fund that was heretofore set aside for a general reclamation fund?

Mr. LEAVITT. Oh, yes. The reclamation fund is now earmarked for reclamation construction, and, as the gentleman from Michigan [Mr. CRAMTON] has said, it is a sounder policy in building this Nation of ours in that western country, to salvage a going community of this kind than to take the same money and start a new project to bring new land under cultivation.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. STAFFORD. Is this the first instance where the National Government is coming to the rescue of a private venture?

Mr. LEAVITT. Oh, no.

Mr. STAFFORD. Where are there any other instances?

Mr. LEAVITT. Under the general reclamation law there is a possibility, under somewhat different conditions but with no different principle, of salvaging private reclamation projects and taking them over by the Government. That has been done in a number of instances.

Mr. STAFFORD. I have been absent from the House for some years and perhaps I do not know, but I look upon this as the beginning of the National Government coming to the rescue of financing private undertakings. Private capital has invested to the extent of \$500,000 in a private project, and finds it is not profitable, and then they want Uncle Sam to come with its fruit basket to save it.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. CRAMTON. At a recent session of the Chamber of Commerce of the United States this resolution was adopted:

We approve the present policy of the Federal Reclamation Service in developing small projects to furnish a supplementary supply of water to lands which are already partially irrigated, but for which there is an insufficient supply of water to make production economically sound for the farms which have been established. Projects furnishing supplemental water will add to farm prosperity and will thus give aid to agriculture without adding materially to surplus.

The regular order was demanded.

Mr. STAFFORD. Mr. Speaker, I object.

STATE-OWNED PROPERTY IN FEDERAL SERVICE

The next business on the Consent Calendar was the bill (H. R. 704) to grant relief to those States which brought State-owned property into the Federal service in 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MCCLINTIC of Oklahoma. Reserving the right to object, Mr. Speaker, I would like to ask the author of this bill a few questions for information.

Mr. LAGUARDIA. I know something about it if the gentleman desires information on the bill.

Mr. LEHLBACH. My colleague, Mr. HOFFMAN, the author of the bill, is absent, but I will do the best I can to give such information as I have.

Mr. MCCLINTIC of Oklahoma. Is it the purpose of this bill to take money away from the Federal Government in order to pay the National Guard or is it for the purpose of taking over

the National Guard and federalizing it and paying them for their activities?

Mr. LEHLBACH. Neither is the object of this bill. When units of the National Guard, after we entered the war, were covered into the Federal service as units, they brought along their equipment and their property, some of which was property the title to which was in the United States. Other was property purchased from the War Department but the title to which was in the States, and the third class of property was property purchased by a State from sources other than the War Department.

It was agreed with respect to the last class of property, which never was before in the ownership of the Federal Government, that reimbursement of that would be made afterwards, either in cash or in kind, as the State might elect. After the National Guards were reorganized after the war, some of this property was paid for in cash to certain States. Some of the property was returned in kind—that is, other equipment was furnished. Also, under the act under which the National Guard was reorganized, the Federal Government provided equipment to the National Guard regiments throughout the States, the Government retaining its title and holding the States accountable for the property and for the payment for any property destroyed, lost, or stolen. The object of this bill is that those States which have to their credit property which they bought on the outside and brought into the war, to the extent of such credit which they may have established in the Militia Bureau, this property which the Federal Government is now furnishing, may be set off. So that if a State has \$10,000 worth of equipment coming and \$1,000 worth of equipment is lost or destroyed, instead of the State having to pay that \$1,000, notwithstanding the fact it has \$10,000 on the books of the War Department, this may be set off.

The Secretary of War and all the various officials are in favor of this proposition.

Mr. McCLINTIC of Oklahoma. According to Schedule A, the State of Wisconsin has a credit of \$373,000. How would that item be finally adjudicated according to the terms of this bill?

Mr. LEHLBACH. They would get credit for \$373,000 with the Militia Bureau. Under the existing law the War Department furnishes from time to time the necessary equipment to the various regiments in Wisconsin. This property, the title to which is retained in the Federal Government, has to be accounted for by the States.

If it is destroyed or if it is lost or stolen, they can set off their accountability for Federal-owned property against this credit that is set up in the Militia Bureau, but there is no cash involved.

Mr. McCLINTIC of Oklahoma. Does this \$373,000 represent the contribution made by the National Guard of the State of Wisconsin when it went into the war?

Mr. LEHLBACH. Yes.

Mr. LAGUARDIA. If the gentleman will permit, this is what this does: When the accounts of the several States as to equipment were settled, some of the States took what was coming to them in cash and others took credit for it, but the Comptroller General holds there is no authority in law to continue the credit. This bill permits the continuation of the credit which was given, so that when there is an accountability for lost or destroyed property the National Guard of any State may apply this book account to that charge.

Mr. McCLINTIC of Oklahoma. Then it will not require an additional appropriation?

Mr. LAGUARDIA. Not a cent.

Mr. JENKINS. Mr. Speaker, reserving the right to object, has the amount coming to the State of Wisconsin been increased by reason of the fact that there has been some delay in allowing it?

Mr. LEHLBACH. No; there is no interest increment in it.

Mr. STAFFORD. I examined the letter from the Secretary of War and the files in connection with this bill very closely and found that the amounts were entirely justified.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to give any State credit for the money value of property listed on approved surveys of military property and equipment charged to an accountable State under section 87, national defense act, said credit to be allowed as a set-off against the credit in favor of such accountable State, which has heretofore been set up on the books of the Militia Bureau in favor of such State for State-owned military property, supplies, and equipment brought into the Federal service by any such State during or at the time of the National Guard mobilization of 1917.

SEC. 2. That all requisitions for military property and supplies which have heretofore been filled by the War Department in favor of those

States which were given a credit balance on the books of the Militia Bureau for State-owned property brought into the Federal service in 1917 and which have been charged against said credit balance are hereby ratified and approved, and the States to which such property was issued shall not be required to account to the Secretary of War for said property.

With the following committee amendment:

On page 1, in line 8, after the word "been" insert the words "or may hereafter be."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MONUMENT TO COMMEMORATE THE SIGNING OF A TREATY BETWEEN THE UNITED STATES AND THE CHIPPEWA INDIANS

The next business on the Consent Calendar was the bill (H. R. 5271) authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I just want to ask a question. What is the type of the monument or memorial you expect to build there?

Mr. SELVIG. It will be a monument which will as appropriately as possible commemorate the event that took place.

Mr. LAGUARDIA. Have you anything specific in mind for which you are asking \$7,500?

Mr. SELVIG. I have nothing in mind except some illustrations I have seen of other monuments similarly placed.

Mr. LAGUARDIA. Is it a marker? If it is a monument, you have not enough money; but if it is a marker, you have too much.

Mr. SELVIG. I think for the monument we have in mind that amount will be sufficient for that particular location.

Mr. LAGUARDIA. It would not be anything larger than that table.

Mr. CRAMTON. If the gentleman will yield, I have discussed this bill with the gentleman and understand he is willing to accept an amendment which will provide that the site is to be furnished to the United States.

Mr. SELVIG. Yes.

Mr. JENKINS. In similar cases we have been allowing only \$2,500, and we have had several similar cases in the last few weeks.

Mr. SELVIG. I do not think \$2,500 would be sufficient for this particular event and location.

Mr. LAGUARDIA. I will say to the gentleman that if he has any idea of putting up a monumental work he has not asked for anything like enough money, but if he is going to put up a marker—as I understand is the purpose—he has too much money.

Mr. ANDRESEN. If the gentleman will permit, I will say that for the amount provided in the bill we can get a wonderful monument at the costs prevailing in the State of Minnesota.

Mr. LAGUARDIA. You will get something from a stone-cutter near a graveyard, but nothing artistic or impressive with \$7,500.

Mr. O'CONNELL. The probabilities are they can get the materials near the place where the monument is to be erected.

Mr. LAGUARDIA. But the materials do not amount to much. It is the work on the monument that costs.

Mr. ANDRESEN. We can get a wonderful monument at that price.

Mr. LAGUARDIA. I intend to offer an amendment making the amount \$5,000. Is the gentleman willing to accept that amount?

Mr. SELVIG. I do not care to accept \$5,000 for the present time.

Mr. LAGUARDIA. Then I shall object.

BRIDGE ACROSS THE PEEDEE RIVER

The next business on the Consent Calendar was the bill (S. 2114) granting the consent of Congress to the Board of County Commissioners of Georgetown County, S. C., to construct, maintain, and operate a free highway bridge across the Pee Dee River, and a free highway bridge across the Waccamaw River, both at or near Georgetown, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DENISON. Mr. Speaker, I ask unanimous consent that this bill be indefinitely postponed. Another bill has already passed and become law, and I am doing this at the request of the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that this bill be laid on the table. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, does the bill that has become a law also provide for a free bridge?

Mr. DENISON. Another bill to build a bridge at the same place has already passed and become a law, and at the request of the gentleman from South Carolina I am taking this action.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. SCHAFER of Wisconsin. Does the bill to which the gentleman refers as having passed and become a law provide for a free bridge or a toll bridge?

Mr. DENISON. I am sorry to say I do not remember about that.

Mr. SCHAFER of Wisconsin. I do not believe this House should take any action which would defeat a bill providing for a free bridge, even though a bill providing for a toll bridge has already become a law.

Mr. DENISON. Acting on the suggestion of the gentleman from South Carolina, I am trying to get the bill off the calendar.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

The SPEAKER pro tempore. To what does the gentleman object—to the indefinite postponement and consideration of this bill?

Mr. SCHAFER of Wisconsin. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I object.

MONUMENT TO COMMEMORATE THE SIGNING OF A TREATY BETWEEN THE UNITED STATES AND THE CHIPPEWA INDIANS

Mr. LA GUARDIA. Mr. Speaker, the gentleman from Minnesota [Mr. SELVIG] informs me he will accept my amendment. Therefore I withdraw my objection to H. R. 5271, 404 on the calendar, and ask for its present consideration.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to return to bill No. 404 on the Consent Calendar. Is there objection?

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, reserving the right to object, I want to ask the author of this bill if the State expects to furnish the land?

Mr. SELVIG. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to erect a suitable monument and historical tablets on or near the site of the encampment, located on the banks of the Red Lake River at the place known as the Old Crossing, situated approximately 15 miles northeast of Crookston, Minn., where, on October 2, 1863, the representatives of the two bands of the Chippewa Indians, known as the Red Lake Band and the Pembina Band, and of the United States Government signed a treaty ceding to the United States of America the Red River Valley of the North. The title to the land deemed appropriate for the site of this monument shall be vested in the State of Minnesota and care of the site and monument shall be without expense to the Federal Government.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$7,500, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That the said monument shall be the work of an artist who is a citizen of the United States.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 6, at the end of the line, add: "The acquisition of the site and the."

The amendment was agreed to.

Mr. LA GUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: On page 2, line 11, strike out "\$7,500" and insert in lieu thereof "\$5,000."

Page 2, line 11, strike out the word "thereon" and insert the word "thereof."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHIPPEWA INDIANS IN WISCONSIN

The next business on the Consent Calendar was the bill (H. R. 49932) for the relief of homeless and destitute Chippewa Indians in Forest, Langlade, and Oneida Counties, Wis.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there is nothing provided in this bill but what the Department of the Interior can do without the passage of it. It is stated they do not do it. It is stated they do not have enough money to do it. This may be true. I am now making a study of the situation. I think the Bureau of Indian Affairs does not have sufficient personnel at the head of things, the kind of personnel to handle questions of this kind.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. CRAMTON. In a moment.

I am making a study of it with a view to possibly providing in the pending deficiency bill additional personnel, so that the bureau may be in a position to conduct these very studies that Congress wants to have conducted.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LA GUARDIA. All this requires is the ascertaining of the status of about 130 poor Indians. Some 10 years ago there were 141 of them. We know that 5 of them are blind; we know that 14 are aged and decrepit. Now, I know the gentleman is making a study, but we have had investigations, we have had reports, and still these Indians are destitute. Can we not do something to give them immediate relief? They will not need much, but let us do something. I am certainly against any bill to investigate.

Mr. CRAMTON. My judgment is that the funds appropriated for the bureau for next year are available to extend relief to Indians whether enrolled or not enrolled.

Mr. LA GUARDIA. I agree with the gentleman.

Mr. CRAMTON. And I do not think there is any need of appropriating \$3,000 for further investigation, but there is no doubt but what the commissioner or the assistant commissioner or some very responsible officer needs to make a study of the situation.

Mr. SCHNEIDER. But the gentleman from Michigan is in error.

Mr. O'CONNELL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. O'CONNELL. Have not the Chippewa Indians some tribal funds from which this could be paid?

Mr. CRAMTON. The question is whether these Indians deserve to share in those tribal funds.

Mr. O'CONNELL. This fund would accrue to their benefit.

Mr. LA GUARDIA. But there is some question as to whether they are Indians of that tribe or not.

Mr. O'CONNELL. We discussed this matter about two weeks ago and I think we found then that they had been investigated four or five times, and an appropriation of \$3,000 to investigate them further will not alleviate their condition at all.

Mr. CRAMTON. Would the gentleman from Wisconsin rather have this bill go over without prejudice or have it objected to now?

Mr. SCHNEIDER. I would rather have it go over without prejudice, but I want to say to the gentleman from Michigan that the department takes the position there is no money available for an investigation of these Indians with the view of their enrollment. The Comptroller General holds that the department can not spend any money that is appropriated for Indians generally for the benefit of these Indians, because of the fact they are not enrolled Indians. This bill has for its purpose officially enrolling these Indians as members of the tribe to which they properly belong.

Mr. CRAMTON. That will be accomplished through the appropriation I am suggesting would be made to take care of problems of this kind.

Mr. LA GUARDIA. Would the gentleman call the attention of the commissioner to this state of affairs? We all want to help them, but I am not going to put myself in the ridiculous position of voting for an investigation.

Mr. HUDSON. Regular order, Mr. Speaker.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OF THE ORGANIC ACT OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 11134) to amend section 91 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I would like to ask the Delegate from Hawaii just what the purpose of this bill is and how it differs, if at all, with respect to the present practice of the United States and the War Department concerning land that the United States has in this country.

Mr. HOUSTON of Hawaii. On the mainland, lands that belong to the War Department, that they have acquired by purchase can be disposed of for the building fund of the War Department, but the authority which grants that to the War Department does not apply to the lands which have been obtained within the Territory of Hawaii from the government. These lands have all been obtained from the Territory of Hawaii by transfer and it was provided originally that the public lands of the Territory should be used for the support of the Territory, and when those lands, at the request of the Federal Government, were transferred for military purposes, it was with the understanding that they would be used for military purposes, and when hereafter they were no longer needed for that purpose, the President has the authority through the organic act to return the lands to the Territory of Hawaii.

Mr. JENKINS. This does not propose to do that, does it?

Mr. HOUSTON of Hawaii. No; this does not propose to do that, because the War Department insists that though they do not put them to present military uses, they may in the future want to do that; and if they return the lands now to us, we may dispose of them. There are no means of tying up such transfers with certain strings to them.

Mr. JENKINS. And you propose in this bill that if the United States Government—

Mr. HOUSTON of Hawaii. It is a book transfer of funds.

Mr. JENKINS. If the United States Government leases these lands, then you want the rentals—

Mr. HOUSTON of Hawaii. To be returned to our treasury.

Mr. JENKINS. Where will this money be spent and how will it be used?

Mr. HOUSTON of Hawaii. For the general purposes of the Territory, principally for schools or for education. We would, of course, prefer that these lands be returned to us; but failing that, we feel the rentals should be paid over to us.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 91 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended (U. S. C., title 48, sec. 511), is amended by adding at the end thereof the following: "Provided, That when any such public property so taken for the uses and purposes of the United States, if, instead of being used for public purpose, is thereafter by the United States leased, rented, or granted upon revocable permits to private parties, the rentals or consideration shall be covered into the treasury of the Territory of Hawaii for the use and benefit of the purposes named in this section."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

METERED MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 8651) to authorize the dispatch from the mailing post office of metered permit matter of the first class, prepaid at least 2 cents, but not fully prepaid, and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I have a large query in my mind as to whether the postage-due stamp privilege should be foisted upon the recipients of mail. I can understand how an ordinary patron of the mail might send an overweight letter because he might not know the exact weight and charge the recipient for the additional postage of 2 or 4 cents. But I can not see where the sender of mail when he avails himself of the meter system, knowing what the weight of the letter is, and what the postage should be—why he should impose that burden on the recipient in case that there is not paid sufficient postage.

Mr. KELLY. This measure applies to the meter system and not to the permit system. The permit system applies to identical mail matter, but the meter service applies to mail of different weight, and so there may be some mistakes as to the weight of certain pieces. At the present time first-class mail matter with stamps affixed, if it does not contain sufficient postage, goes through and the shortage is collected from the addressee. That can not now be done under the meter system.

Mr. LAGUARDIA. This is about the only bill except the 44-hour bill that we can approve this afternoon. [Laughter.]

Mr. STAFFORD. Some person in the office of the Third Assistant Postmaster General who claimed that he had the information, gave me the idea that this related to the permit system. What is the meter system?

Mr. KELLY. That is a service which has been in force since 1920. The law provides that the postmaster at the mailing office goes to the office of the mailer and locks the properly approved meter for using a certain amount of postage—perhaps a thousand dollars. When that amount is used up the meter automatically stops operating.

Mr. STAFFORD. Wherein does it fail to work?

Mr. KELLY. It does work. The first-class mail all goes through the meter, but the pieces are of different weight. The post-office regulations require the mail to be taken to the post office, and if some pieces are overweight and have not sufficient postage they must be sent back to the mailer.

Mr. LAGUARDIA. Will the gentleman from Pennsylvania tell the gentleman from Wisconsin what the meter does?

Mr. KELLY. It prints the postage on the envelope or on the package. It is a meter owned by the manufacturer and remains in the possession of the company.

Mr. STAFFORD. It only provides for postage at a fixed rate of two cents.

Mr. KELLY. But suppose a piece requires 4 cents?

Mr. STAFFORD. The meter only provides for one rate of postage.

Mr. HUDSON. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. HUDSON. Are these meters used for ordinary advertising matter?

Mr. KELLY. The meters are mainly used for first-class matter, but they are being used now for other classes.

Mr. LAGUARDIA. In answer to the question by the gentleman from Michigan, if the addressee has received a piece of advertising which is overweight and he refuses to pay, it would be charged up to the sender.

Mr. KELLY. Yes; in such cases it goes back to the sender for the additional postage.

Mr. STAFFORD. I do not want the House to impose undue burdens on the public by allowing advertisements to be sent out with insufficient postage.

Mr. KELLY. That would injure the advertiser himself, and he would not want to do it.

Mr. Speaker, this is a minor bill, but it is important to all users of these meters in sending out their mail.

Mr. HOGG. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. HOGG. I may say to the gentleman that if you put a 2-cent postage stamp on a letter and it requires another stamp, the Government will take it and collect the 2 cents at the other end, but if you put a 2-cent metered stamp on the Government will not carry it. You have given the Government 2 cents. This bill is to correct that, so that the 2-cent metered stamp will carry the same force with the Government as a 2-cent postage stamp. It is an advantage to the mailer and to the mailer.

Mr. PATTERSON. Mr. Speaker, I reserve the right to object. I dislike very much to make such a reservation to anything that the distinguished gentleman from Pennsylvania [Mr. KELLY] desires, but I have been consistently opposed to the extension of this permit system or any system which seeks to send mail through advertising with letters to be mailed back, with permits on or anything else, where the third and fourth class post offices are deprived of the cancellation, and that is being sent out now from a lot of the large cities.

Mr. KELLY. I assure my colleague that this does not extend that system. I agree with him that there is an injustice done the fourth-class postmasters on account of cancellations, and that is a matter that should be corrected. This will help the smaller postmaster rather than hurt him, because he will get the benefit in some cases of the money paid in through this permit system.

Mr. PATTERSON. The explanation is sufficient.

Mr. LAGUARDIA. The gentleman is a very able statesman, and surely he would not say that he would oppose any legislation that takes the natural business from its source, where it belongs. We can not take business from the cities and put it into the fourth and fifth class post offices.

Mr. PATTERSON. Here is my point. The gentleman is not in touch with these third and fourth class post offices. This permit system, I am informed by the postmasters, does not even count in their receipts.

Mr. LA GUARDIA. That could be easily disposed of, and the gentleman from Pennsylvania is an expert postal accountant.

Mr. PATTERSON. That is all right.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair calls attention to the fact that there is an identical Senate bill on the Speaker's table.

Mr. SANDERS of New York. Mr. Speaker, I ask unanimous consent to substitute for the House bill the Senate bill 3272, with amendments.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to substitute the Senate bill 3272 for the House bill, with amendments. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 273, title 39, United States Code, is hereby amended to read as follows:

"That the Postmaster General, under such regulations as he may prescribe for the collection of such postage, is hereby authorized to accept for delivery and deliver, without postage stamps affixed thereto, mail matter of the first class on which the postage has been fully prepaid at the rate provided by law: *Provided*, That such first-class matter on which the postage is paid in connection with a metered device set by the postmaster for a given number of impressions paid for at the time of setting and which automatically locks upon the exhaustion of such impressions may, if through inadvertence it is not fully prepaid but is prepaid at least 2 cents, be accorded the same treatment as is provided for such short-paid first-class matter mailed with postage stamps affixed: *Provided further*, That typewriting shall continue to be classed as handwriting as provided by the Postal Laws and Regulations: *Provided further*, That metered permit matter of the third class, except bulk mailings of such matter under the provisions of section 6 of the act of May 29, 1928 (ch. 856, 39 U. S. C. 291), may be mailed in such quantities as the Postmaster General may prescribe."

Mr. SANDERS of New York. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 1 of the Senate bill, line 3, after the word "that," strike out the words "section 273, title 39, United States Code," and insert "section 5 of the act of April 24, 1920, Forty-first Statutes, page 583, Thirty-ninth United States Code, section 273, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes.'"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, what is the purpose of the amendment? Wherein is the language of the Senate bill in error?

Mr. KELLY. It does not refer to the proper code.

Mr. STAFFORD. Is the gentleman sure that he has an accurate description?

Mr. KELLY. It is identical.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

Second amendment offered by Mr. SANDERS of New York: Page 2 of the Senate bill, line 15, strike out "chapter 856, Thirty-ninth United States Code, page 291," and insert "Forty-fifth Statutes, page 941," and in line 16, after the word "Code," strike out "page 291" and insert "supplement 3, section 291."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MIGRATORY-BIRD REFUGE, KANSAS

Mr. HOPE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3950) authorizing the establishment of a migratory-bird refuge in Kansas.

Mr. LA GUARDIA. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will call the next bill on the Consent Calendar.

DEFICIENCY OF POSTAL REVENUES

The next business on the Consent Calendar was the bill (H. R. 10344) to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Chair calls attention to the fact that there is an identical Senate bill on the Speaker's desk.

Mr. KELLY. Mr. Speaker, I ask unanimous consent to substitute S. 3599, with an amendment, for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Postmaster General shall certify to the Secretary of the Treasury and to the Comptroller General of the United States, respectively, as soon as practicable after the end of each fiscal year, the following:

(a) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by officers of the Government (other than those of the Post Office Department) under the penalty privilege, including registry fees;

(b) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by (1) Members of Congress and (2) others under the franking privilege;

(c) The estimated amount which would have been collected during the year at regular rates of postage on publications going free in the country;

(d) The estimated excess during the year of the cost of aircraft service over the postage revenues derived from air mail; and

(e) The estimated amount paid during the year to vessels of American registry for carrying the ocean mail at mileage rates in excess of what would have been paid at pound rates.

And the amounts so certified shall be separately classified on the books of the Treasury Department and the General Accounting Office, respectively, in stating the expenditures made from the appropriation to supply the deficiency of postal revenues.

Mr. KELLY. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KELLY to the Senate bill: Page 2, line 8, strike out all of lines 8, 9, 10, 11, 12, 13, and 14, and insert in lieu thereof the following:

"(d) The estimated amount which would have been collected at regular rates of postage on matter mailed free to the blind during the year;

"(e) The estimated difference between the postage revenue collected during the year on mailings of newspapers and periodicals published by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor, and fraternal organizations, and that which would have been collected at zone rates of postage."

Mr. KELLY. Mr. Speaker, the situation now is that we propose to substitute the Senate bill for the House bill. The Senate bill is on the Speaker's table. By inadvertence the Senate bill left out the items covering the cost of free-to-the-blind mail and the preferential rate to religious and educational papers. Those are carried in the House bill, but are not carried in the Senate bill. We are now inserting them in the Senate bill.

Mr. LA GUARDIA. The gentleman from Pennsylvania, who is really an authority on postal matters, has been insisting on this bill for some time, but I want to call the attention of the House to the fact, with all due deference to the gentleman, that I do not believe it will amount to anything. I think it will cost more to ascertain the facts than the good will amount to after we know those facts. We have established—and we know what we are doing—certain rates for scientific and religious and fraternal organizations. We have authorized special rates to the blind. We know we are doing all that, and to have a separate account kept each year as to how much we will lose on each, I do not know what good will come of it.

Mr. KELLY. Every item affected in this bill is carried in the Postmaster General's report. It will not cost an additional cent. This measure will enable the Postmaster General after the 1st of July to certify the facts to the Secretary of the Treasury.

Mr. LA GUARDIA. The gentleman says we can get this information from the Postmaster General's annual reports. I can not see the necessity of an accounting. Congress is not going to change these rates.

Mr. KELLY. The annual reports of the Secretary of the Treasury should give the same figures as those carried in the report of the Postmaster General. This will accomplish that.

Mr. O'CONNELL. This would straighten out the matter. There is always a difference between the reports of the Treasury Department and those of the Post Office Department.

Mr. LAGUARDIA. It is not going to help the administration in any manner, shape, or form. It is simply playing a game of solitaire.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. KELLY].

The amendment was agreed to.

Mr. KELLY. Mr. Speaker, I have another amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers another amendment, which the Clerk will report. The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 2, line 8, change the letter "d" to "f"; on line 11, change the letter "e" to "d"; and on line 14 of the Senate bill, after the word "rates," insert the words "if carried in vessels of foreign registry."

Mr. KELLY. Mr. Speaker, let me suggest that the Clerk probably misunderstood the amendment which I sent to the clerk's desk. In line 13 the word "at" is stricken out, and, in line 14, the words "pound rates" are stricken out and words inserted "if carried in vessels of foreign registry."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

CERTIFICATES OF CITIZENSHIP TO CERTAIN WORLD WAR VETERANS

The next business on the Consent Calendar was the bill (H. R. 10668) to authorize issuance of certificates of citizenship to certain veterans of the World War.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I simply want to suggest that I believe there should be a change in the designation of the certificates to be issued. It is really a certificate of repatriation; and inasmuch as the Commissioner of Naturalization is authorized to issue the certificate, I believe a distinction should be made between this sort of certificate and that issued by the port officer. This is really a certificate of citizenship.

Mr. JENKINS. Mr. Speaker, what effect will that have on other language if we insert that language in the bill?

Mr. CABLE. This will not have any effect.

Mr. JENKINS. If you now incorporate new words in the naturalization law, what will be the effect?

Mr. LAGUARDIA. That is the purpose of my proposed amendment. This should not be placed in connection with the certificate of citizenship. This is merely a certificate of repatriation, where a man enlisted in the service of a foreign army, and by a general law which Congress passed by reason of his expatriation we provide here for the issuance of the evidence.

Mr. JENKINS. I am in entire accord with the purpose to be attained. Here is a new departure in the naturalization law. Here is a man who was born an American, who expatriated himself by reason of joining one of the allied armies.

When he wants to come back to this country he is not a citizen. He must be made a citizen. My only object in asking the question is whether the language which the gentleman desires to inject into this law will do what they intended it to do.

Mr. CABLE. I think it does. That is repatriation of a man who has served with an allied army and he becomes a citizen again, and this gives him the means by which he can do that.

Mr. O'CONNELL. And he must make necessary proof before a commissioner that he is entitled to that certificate?

Mr. CABLE. Yes.

Mr. JOHNSON of Washington. During the time of the World War Congress passed an act permitting those who took the oath of allegiance to any other government to be excused from that oath and to repatriate themselves, but they did not have proof of it.

Mr. PATTERSON. Will the gentleman yield?

Mr. CABLE. I yield.

Mr. PATTERSON. Will this apply to anyone who was not born in America?

Mr. CABLE. No; it only applies to an American citizen who served with the Allies before the United States got into the war.

Mr. PATTERSON. But, does this apply only to those who are native born?

Mr. CABLE. It applies to those who were native born or those who were naturalized citizens at the time they enlisted.

Mr. JOHNSON of Washington. That makes him a citizen. There is no distinction.

Mr. PATTERSON. But I thought the report contained something about native born?

Mr. LAGUARDIA. Most of these boys happened to be native born. What we have particularly in mind is this: A great many boys enlisted in the Canadian flying service and the Canadian Army before the United States entered the war.

Mr. PATTERSON. Oh, yes, I understand that; but, as the gentleman says, this does not apply to anybody except those who were citizens at the time they enlisted?

Mr. CABLE. They were citizens and enlisted with the Allies.

Mr. PATTERSON. And were citizens of the United States?

Mr. CABLE. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the twelfth subdivision of section 4 of the naturalization act of June 29, 1906, as amended, is amended by adding at the end thereof the following paragraph:

"Any individual who claims to have resumed his citizenship under the provisions of this subdivision may, upon the payment of a fee of \$1, make application to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the citizenship was resumed as claimed, such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. The certificate of citizenship issued under this subdivision shall have the same effect as a certificate issued by a court having naturalization jurisdiction, and the provisions of subdivisions (b) and (c) of section 33 shall apply in respect of proceedings and certificates of citizenship under this subdivision in the same manner and to the same extent, including penalties, as they apply in respect of proceedings and certificates of citizenship issued under such section."

Mr. CABLE. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. CABLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 1, line 10, strike out the word "citizenship" and insert in lieu thereof the word "repatriation."

The amendment was agreed to.

Mr. CABLE. I offer an amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 2, line 3, strike out the word "citizenship" and insert in lieu thereof the word "repatriation"; in line 5 strike out the word "citizenship" and insert in lieu thereof the word "repatriation"; and in line 9 strike out the word "citizenship" and insert in lieu thereof the word "repatriation."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

WALKER RIVER INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 5057) to provide for the construction of a gravel road in the Walker River Indian Reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that that bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ALASKA GAME LAW

The next business on the Consent Calendar was the bill (H. R. 11285) to amend the Alaska game law.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I should like to ask whether this bill in any way affects McKinley National Park or authorizes hunting in that park?

Mr. SUTHERLAND. Absolutely not. I will say that hunting has been eliminated.

Mr. CRAMTON. This bill has to do only with game and has nothing to do with prospecting and mining?

Mr. SUTHERLAND. Not a thing to do with prospecting and mining.

Mr. CRAMTON. There is another bill pending, I understand, affecting McKinley National Park, where there is an attempt to eliminate prospecting in that park. It ought to be eliminated.

Mr. SUTHERLAND. That bill proposes to give the Secretary of the Interior control of the surface so that he may prescribe just what shall be done with the surface of the ground.

Mr. CRAMTON. I understand there is objection to the elimination of prospectors?

Mr. SUTHERLAND. Yes.

Mr. CRAMTON. Personally I am very much in favor of eliminating the prospectors. There is plenty of Alaska left without conducting mining operations in McKinley National Park. The presence of mineral there is very limited anyway. I am frank to say to the gentleman from Alaska that the insistence of the local people in Alaska to retain the privilege of prospecting in a national park is giving me some prejudice against other Alaska legislation. I will admit I had an impulse to object to this bill because of that fact, but I have concluded not to do so. I hope the local interests in Alaska are not going to be permitted to dominate the administration of that great national park through a continuance of prospecting for minerals that are not there.

Mr. O'CONNELL. This is recommended by the Alaska Game Commission?

Mr. SUTHERLAND. Yes. The bill is recommended by that commission and drafted in the Department of Agriculture.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. SUTHERLAND. I yield.

Mr. LA GUARDIA. I want to say to the gentleman from Michigan [Mr. CRAMTON] that the people of Alaska get so little and Alaska has been exploited so much by others, that it seems to me they should hang on to their rights, what little they have just now. Alaska has been exploited more than any other Territory or State that we have.

Mr. SUTHERLAND. I wanted to say that, but I was afraid the gentleman from Michigan would object.

Mr. CRAMTON. Well, I will say that we are spending many, many thousands of dollars in an effort to take tourists to Alaska. Nothing is a greater asset to the people of Alaska than McKinley National Park, and still the people of Alaska want to hang onto the privilege of prospecting for minerals. They have all of Alaska to prospect outside of the park.

Mr. LA GUARDIA. Perhaps there are no minerals elsewhere.

Mr. CRAMTON. There are very few minerals in the park.

Mr. LA GUARDIA. Let them prospect.

Mr. STAFFORD. Will the gentleman yield?

Mr. SUTHERLAND. I yield.

Mr. STAFFORD. When this bill was under consideration before, I understood the gentleman to say that the bill provided a license fee of \$500 on any Canadian going into Alaska to hunt, and that that was existing law.

Mr. SUTHERLAND. To trade, not to hunt.

Mr. STAFFORD. I direct the attention of the gentleman to the report on page 5, paragraph (c), which is printed in italics, which would indicate that that is new language. That is the provision which levies a license fee of \$500 on the nearest neighbor going into Alaska to hunt.

Mr. CRAMTON. The bill is not in accordance with the Ramseyer rule, and nobody can tell.

Mr. SUTHERLAND. Oh, yes. There is a supplemental report which covers the Ramseyer rule.

Mr. CRAMTON. It was not furnished to me by the document room.

Mr. STAFFORD. The gentleman is a little lame in that particular. It has been filed.

Mr. CRAMTON. The document room did not furnish it to me.

Mr. SUTHERLAND. Under paragraph (c) the \$500 fee is included. This simply reenacts the law in amendment.

Mr. STAFFORD. I understand the Ramseyer rule to provide that new matter should be printed in italics.

Mr. SUTHERLAND. It is in italics.

Mr. STAFFORD. Well, a fee of \$500 is levied upon a Canadian who happens to cross the border to hunt. In my opinion, that is out of all proportion as a matter of fair dealing and comity between Canada and the United States.

Mr. SUTHERLAND. I may say that I am probably as well acquainted with the Canadian situation as the gentleman from Wisconsin.

Mr. STAFFORD. Oh, far better, no doubt. I have never had the pleasure of visiting Alaska.

Mr. SUTHERLAND. When the matter of defending Canada about tariff acts or any legislation we may pass is brought up,

I always look upon it as an unfair inference, because the Canadians, under their system of orders in council, can place an embargo or a fine or a fee as they choose, and they invariably do so.

Mr. STAFFORD. Yes; but when I was traveling through Algonquin National Park several years ago there was no such disparity levied against American citizens. I think we are going to the extreme in levying a license fee of \$500 for a Canadian for hunting in Alaska.

Mr. SUTHERLAND. The Canadians have a license fee for hunting.

Mr. STAFFORD. They have a license fee for hunting, but they do not have any such outrageous disparity in the license fee as this.

Mr. SUTHERLAND. But this is a matter of law now. That is the fee at present.

Mr. CRAMTON. What does the gentleman think about charging a citizen of the United States, after he pays his fare going to Alaska, a fee of \$100?

Mr. SUTHERLAND. If he is not a resident of the Territory the hunting license is \$50.

Mr. CRAMTON. If he is not a resident of the Territory. As we are spending so much money for the benefit of the Territory, and the Territory is so anxious to have people come there to look at it, why should a nonresident of Alaska, but a citizen of the United States, pay a hunting fee of \$100?

Mr. SUTHERLAND. I do not think he ought to. As a matter of fact, he does not now.

Mr. CRAMTON. Then why do you not amend your bill?

Mr. SUTHERLAND. Not having drafted this bill, I did not include that amendment.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PAYMENT OF CLAIMS OF THE SISSETON AND WAHPETON BANDS OF SIOUX INDIANS

The next business on the Consent Calendar was the bill (H. R. 8921) authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

AMENDMENT OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 10044) to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I was told to-day that an effort would be made to amend this bill by changing the territory of the district court. I am not prepared to pass upon that, and I am sure my colleagues on the committee are not prepared to pass on it. Will any such amendment be offered?

Mr. SUMNERS of Texas. Do I understand the gentleman wants to offer an amendment changing some of the counties?

Mr. LA GUARDIA. I do not want to offer an amendment, but I understood some Member from Texas would offer such an amendment.

Mr. SUMNERS of Texas. There will be no amendment offered.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to substitute for this bill Senate bill 1317, an identical bill.

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, is that an identical bill?

Mr. SUMNERS of Texas. It is identical.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to consider Senate bill 1317 in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the second and third sentences of the third paragraph of section 108 of the Judicial Code, as amended, are amended to read as follows:

"Terms of the district court of the Tyler division shall be held at Tyler on the first Monday in October and the second Monday in February; for the Beaumont division, at Beaumont on the fourth Monday in October and first Monday in March; for the Sherman division, at Sherman on the fourth Monday in November and first Monday in April; for the Paris division, at Paris on the second Monday in December and third Monday in April; for the Jefferson division at Jefferson on the first Mondays in January and May; and for the Texarkana division, at Texarkana on the third Mondays in January and May. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Sherman, at Beaumont, at Texarkana, and at Tyler, which shall be kept open at all times for the transaction of the business of said court."

Mr. SANDERS of Texas. Mr. Speaker, I offer an amendment.

Mr. LAGUARDIA. Mr. Speaker, I understood there would be no amendment offered.

Mr. PATMAN. I intend to make a point of order against the amendment. The author of the bill does not propose to offer any amendment.

Mr. LAGUARDIA. I asked the gentleman from Texas if any amendment was going to be offered.

Mr. SUMNERS of Texas. There is no amendment offered.

Mr. LAGUARDIA. Yes; the gentleman from Texas is offering one now.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Texas: "That the counties of Upshur and Camp be transferred from the Jefferson division to the Tyler division."

Mr. PATMAN. Mr. Speaker, I make a point of order against the amendment.

The SPEAKER. What is the gentleman's point of order?

Mr. PATMAN. The bill before the House is a bill fixing the terms of the court while the amendment offered by the gentleman from Texas changes the court's division and certainly is not germane.

The SPEAKER. The Chair sustains the point of order.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (S. 476) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes," returned by the President of the United States, with his objections, to the Senate, in which it originated, it was—

Resolved, That the bill pass, two-thirds of the Senate agreeing to the same.

SPANISH WAR PENSIONS—VETO MESSAGE

The SPEAKER laid before the House the following veto message from the President of the United States:

To the Senate:

I am returning this bill (S. 476) without approval. The bill establishes a new basis for pension of Spanish War veterans. I am in favor of proper discharge of the national obligation to men who have served in war who have become disabled and are in need. But certain principles are included in this legislation which I deem are opposed to the interest both of war veterans and of the public. My major objections to this bill are these:

1. In the whole of our pension legislation over past years we have excluded from such national award persons whose disabilities arise from "vicious habits." This bill breaks down that exclusion and opens the door for claims of disability incurred at any time in the life of the pensioner arising from venereal diseases, alcoholism, drug habits, etc. Certainly, such claims for public help can not be fairly based upon sacrifice to the Nation in war and must be opposed to national policy.

2. This legislation lowers the minimum service period from 90 days to 70 days for nonservice-connection disability pension. Under other provisions of law men who served only one day and during that day suffered injury or impaired health became eligible for pensions. This law, however, provides that if a man should incur any disability at any time in his life he may claim pension with only 70 days of service. The 90-day minimum service has been maintained against the Civil War veterans all

these years because less service than this was not considered to imply personal danger or risk which warranted pension. If injury or impaired health incident to service is clearly proven, other laws cover such cases.

3. It seems to me that in the interest of justice to the taxpayer and to maintain the fine body of citizens comprised in our war veterans free from the stigma of encroachment upon the Public Treasury, there should be a requirement of "need" as well as disability as a basis for these pensions. It is to me the height of injustice that citizens who are less well placed should be called upon to support from taxes those whose station in life enables them to support themselves or to live in independent security. The whole spirit of the pension system is that of a grateful nation rising to the support of those who have served in war, were injured, or who have met with legitimate difficulties in after life which impose privation upon them. While many veterans may refuse to accept such pensions when they can get along otherwise, yet the cases of selfishness are bound to cause a constant irritation of feeling against a pension system that permits these unmerited and unnecessary payments.

HERBERT HOOVER.

THE WHITE HOUSE, May 28, 1930.

The SPEAKER. The objections of the President will be spread upon the Journal.

Mr. KNUTSON. Mr. Speaker, I move that action on the veto message of the President be postponed until immediately after the reading of the Journal on Thursday, June 5, 1930.

The SPEAKER. The gentleman from Minnesota moves that action on the veto message of the President be deferred until Thursday, after the reading of the Journal.

Mr. GASQUE. Mr. Speaker, I submit a preferential motion. I move that the House proceed to consider the veto message on the bill, S. 476, and that upon reconsideration the House pass the bill, the objections of the President to the contrary notwithstanding.

The SPEAKER. The Chair does not think that is a motion of higher precedence than the motion of the gentleman from Minnesota.

Mr. CRISP. Mr. Speaker, I am frank to say I have investigated somewhat the question of whether a motion to pass is preferential to a motion to refer or postpone, and I have not been able to find any decision clearly on the point. The nearest I could find is that there was a decision made 50 or 75 years ago, which I can put my hand on in a moment, where a bill was up and a motion was made to pass the bill, the objections of the President to the contrary notwithstanding, and the previous question was ordered on that and then some Member moved to refer it. The Speaker in that case held, the other motion pending, that if the previous question were voted down the motion to refer would be in order, but if the previous question were ordered that would cut off a motion to refer.

Of course, this is not analogous with the pending question, but I am rising to make the point of order in order to get the Speaker to rule, for the purpose of establishing a precedent, that a motion to proceed to consider a bill upon reconsideration forthwith and to pass it is a constitutional privilege and is of higher privilege than a motion to refer or to postpone.

The SPEAKER. The Chair has had occasion several times to rule on this question. The Chair thinks it would be the duty of the Chair, in the absence of any motion, to lay the veto message at once before the House. The Chair thinks that a motion to postpone to a day certain or to refer is of equal privilege with a motion to forthwith consider, and having recognized the gentleman from Minnesota—

Mr. CRISP. Then, Mr. Speaker, a parliamentary inquiry. If the House desires to proceed to consider at once, that object can be accomplished by voting down the motion to postpone or refer?

The SPEAKER. Exactly so.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. GARNER. If we are going to have debate on the motion, all right.

Mr. KNUTSON. I withdraw that request, Mr. Speaker. I move the previous question on the motion.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. As I understand, the gentleman's motion is to defer the vote until Thursday. Does that leave the bill before the House for a definite vote on Thursday morning?

The SPEAKER. Exactly.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. KNUTSON) there were—ayes 78, noes 86.

Mr. KNUTSON. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 65, nays 234, not voting 120, as follows:

[Roll No. 55]

YEAS—65

Ackerman	Gibson	Luce	Smith, Idaho
Aldrich	Hale	McFadden	Snow
Bacon	Hancock	McLaughlin	Stafford
Beedy	Hess	Mapes	Stalker
Burtness	Hoch	Merritt	Stobbs
Chindblom	Houston, Del.	Michener	Strong, Kans.
Christopherson	Hudson	Moore, Ohio	Taber
Cole	Hull, Morton D.	Murphy	Tinkham
Colton	Jenkins	Parker	Vestal
Cramton	Johnson, Nebr.	Perkins	Wainwright
Crowther	Johnson, S. Dak.	Ramseyer	Wason
Culkin	Kahn	Ransley	Watres
Darrow	Kelly	Rogers	Wolverton, W. Va.
Eaton, Colo.	Kieess	Sanders, N. Y.	Wood
Eaton, N. J.	Knutson	Seiberling	
French	Lankford, Va.	Simmons	
Garber, Va.	Lehbach	Sloan	

NAYS—234

Adkins	DeRouen	Irwin	Pittenger
Allen	Domineck	Johnson, Okla.	Pritchard
Allgood	Doughton	Johnson, Tex.	Purnell
Andersen	Douglas, Ariz.	Johnson, Wash.	Quinn
Aswell	Douglas, Mass.	Jonas, N. C.	Ragon
Auf der Heide	Dowell	Jones, Tex.	Rainey, Henry T.
Ayres	Doxey	Kading	Ramspeck
Bachmann	Drane	Kemp	Rankin
Baird	Drewry	Kendall, Ky.	Reece
Barbour	Driver	Kendall, Pa.	Reid, Ill.
Bell	Dunbar	Kerr	Robinson
Blackburn	Dyer	Kiefner	Rowbottom
Bland	Edwards	Kinzer	Rutherford
Blanton	Elliott	Kopp	Sanders, Tex.
Bloom	Ellis	Korrell	Sandlin
Bohn	Eslick	Kvale	Schafer, Wis.
Bowman	Evans, Mont.	LaGuardia	Schneider
Box	Finley	Lambertson	Sears
Brand, Ga.	Fisher	Lampert	Selvig
Brand, Ohio	Fitzgerald	Lankford, Ga.	Shaffer, Va.
Briggs	Fitzpatrick	Lea	Short, Mo.
Browne	Frear	Leavitt	Shott, W. Va.
Browning	Freeman	Letts	Shreve
Brumm	Fuller	Lindsay	Simms
Buckbee	Fulmer	Linthicum	Sinclair
Busby	Gambrill	Lozier	Smith, W. Va.
Butler	Garber, Okla.	Ludlow	Speaks
Byrns	Garner	McClinton, Okla.	Sproul, Ill.
Cable	Garrett	McCormack, Mass.	Sproul, Kans.
Campbell, Iowa	Gasque	McCormick, Ill.	Sullivan, Pa.
Campbell, Pa.	Glover	McDuffie	Summers, Wash.
Candfield	Goldsborough	McKeown	Summers, Tex.
Cannon	Goodwin	McLeod	Swanson
Carter, Calif.	Graham	McMillan	Swick
Carter, Wyo.	Granfield	McReynolds	Swing
Cartwright	Green	McSwain	Tarver
Chalmers	Guyer	Manlove	Thatcher
Chase	Hadley	Mansfield	Thompson
Christgau	Hall, Ill.	Menges	Thurston
Clague	Hall, Ind.	Michaelson	Timberlake
Clancy	Hall, Miss.	Miller	Vinson, Ga.
Clark, Md.	Hall, N. Dak.	Milligan	Walker
Clark, N. C.	Halsey	Montague	Warren
Cochran, Mo.	Hammer	Moore, Ky.	Watson
Collier	Hardy	Moore, Va.	Welch, Calif.
Collins	Hare	Morehead	Whitley
Connery	Hartley	Morgan	Whittington
Cooke	Hastings	Mouser	Williams
Cooper, Tenn.	Haugen	Nelson, Mo.	Williamson
Cooper, Wis.	Hawley	Niedringhaus	Wilson
Cox	Hickey	O'Connell	Wolverton, N. J.
Craddock	Hill, Ala.	O'Connor, La.	Woodruff
Crail	Hill, Wash.	Oldfield	Woodrum
Crisp	Hogg	Oliver, Ala.	Wright
Cross	Hope	Palmer	Wurzbach
Crosser	Hopkins	Palmsano	Yates
Cullen	Howard	Parks	Zihlman
Davis	Huddleston	Patman	
De Priest	Hull, Wis.	Patterson	

NOT VOTING—129

Abernethy	Connolly	Free	Ketcham
Almon	Cooper, Ohio	Gavagan	Kincheloe
Andrew	Corning	Gifford	Kunz
Arentz	Coyle	Golder	Kurtz
Arnold	Curry	Greenwood	Langley
Bacharach	Dallinger	Gregory	Lanham
Bankhead	Davenport	Griffin	Larsen
Beck	Dempsey	Hoffman	Leech
Beers	Denison	Holaday	McClintock, Ohio
Black	Dickinson	Hooper	Maas
Bolton	Dickstein	Hudspeth	Magrady
Boylan	Doutrich	Hull, Tenn.	Martin
Brigham	Doyle	Hull, William E.	Mead
Britten	Englebright	Igoe	Montet
Brunner	Estep	James	Mooney
Buchanan	Esterly	Jeffers	Nelson, Me.
Burdick	Evans, Calif.	Johnson, Ill.	Nelson, Wis.
Carley	Fenn	Johnson, Ind.	Newhall
Celler	Fish	Johnson, Mo.	Nolan
Clarke, N. Y.	Fort	Kearns	Norton
Cochran, Pa.	Foss	Kennedy	O'Connor, N. Y.

O'Connor, Okla.	Reed, N. Y.	Stone	Vincent, Mich.
Oliver, N. Y.	Romjue	Strong, Pa.	Welsh, Pa.
Owen	Sabath	Sullivan, N. Y.	White
Peavey	Seger	Taylor, Colo.	Whitehead
Porter	Sirovich	Taylor, Tenn.	Wigglesworth
Pou	Snell	Temple	Wingo
Prall	Somers, N. Y.	Tilson	Wolfenden
Pratt, Harcourt J.	Sparks	Treadway	Wyant
Pratt, Ruth	Spearing	Tucker	Yon
Quayle	Steagall	Turpin	
Ramey, Frank M.	Stedman	Underhill	
Rayburn	Stevenson	Underwood	

So the motion of Mr. KNUTSON was rejected.

The following pairs were announced:

Mr. Martin (for) with Mr. Hull of Tennessee (against).

General pairs until further notice:

Mr. Snell with Mr. Bankhead.
 Mr. Tilson with Mr. Pou.
 Mr. Holaday with Mr. Buchanan.
 Mr. Beck with Mr. Corning.
 Mr. Gifford with Mr. Mooney.
 Mr. Bolton with Mr. Oliver of New York.
 Mr. Ketcham with Mr. Spearing.
 Mr. Connolly with Mr. Gavagan.
 Mr. Bacharach with Mr. Tucker.
 Mr. Davenport with Mr. Kennedy.
 Mr. Cooper of Ohio with Mr. Griffin.
 Mr. Harcourt J. Pratt with Mr. Rayburn.
 Mr. Fort with Mr. Prall.
 Mr. Esterly with Mr. Almon.
 Mr. Denison with Mr. Carley.
 Mr. Welsh of Pennsylvania with Mr. Steagall.
 Mr. Treadway with Mr. Kunz.
 Mr. Golder with Mr. Boylan.
 Mr. Hooper with Mr. Doyle.
 Mr. Temple with Mr. Somers of New York.
 Mr. Free with Mr. Stevenson.
 Mr. Brigham with Mr. Brunner.
 Mr. Kearns with Mr. Wingo.
 Mr. Fenn with Mr. Greenwood.
 Mr. Reed of New York with Mr. Black.
 Mr. Johnson of Indiana with Mr. Romjue.
 Mr. Seger with Mr. Abernethy.
 Mr. Fish with Mr. Quayle.
 Mr. Doutrich with Mrs. Norton.
 Mr. Foss with Mr. Arnold.
 Mr. Leech with Mr. O'Connor of New York.
 Mr. Turpin with Mr. Sabath.
 Mr. Johnston of Missouri with Mrs. Owen.
 Mr. McClintock of Ohio with Mr. Gregory.
 Mr. Evans of California with Mr. Mead.
 Mr. Porter with Mr. Taylor of Colorado.
 Mr. Englebright with Mr. Sullivan of New York.
 Mr. Magrady with Mr. Kincheloe.
 Mrs. Langley with Mr. Celler.
 Mr. Clarke of New York with Mr. Igoe.
 Mr. Strong of Pennsylvania with Mr. Montet.
 Mr. Arentz with Mr. Dickstein.
 Mr. Taylor of Tennessee with Mr. Underwood.
 Mr. Beers with Mr. Jeffers.
 Mr. Britten with Mr. Lanham.
 Mr. Dallinger with Mr. Sirovich.
 Mr. Nolan with Mr. Whitehead.
 Mr. James with Mr. Larsen.
 Mr. Burdick with Mr. Yon.
 Mr. Dempsey with Mr. Stedman.
 Mr. Curry with Mr. Hudspeth.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Will the House on reconsideration pass the bill S. 476, the objections of the President to the contrary notwithstanding?

Mr. CRISP. Mr. Speaker, a parliamentary inquiry. The Speaker, I am sure recognizes the principle of the rules and practice of the House, that where an issue arises and the vote is against the one in charge of the bill indicating that the House is not favorable to that position but is favorable to the opposition to the one who is leader in charge of the bill, the control of the House passes to the opposition, to the one representing the will of the House as evidenced by the vote, who is entitled to a preferential recognition. Therefore, I make the point of order that the question arose whether the House should proceed at once to consider this bill and pass it, the objections of the President notwithstanding, and the gentleman from Minnesota, the chairman of the Committee on Pensions, interposed a motion which the Speaker recognized as of equal privilege—and I am not criticizing or complaining of the recognition—and when the House was called upon to vote the House turned down the gentleman from Minnesota, refusing to postpone the bill which clearly shows the intent of the House to turn the matter over to the minority for immediate consideration. Therefore, I submit that under the parliamentary rules and practices the gentleman from South Carolina, Mr. GASQUE, is entitled to a preferential recognition to make a motion to pass the bill.

Mr. KNUTSON. Mr. Speaker, we have just completed a roll call and that roll call was not upon the merits of the question but upon a question of procedure. My motion was to postpone until after the reading of the Journal on Thursday the consideration of the President's message. The gentleman from South Carolina moved for immediate consideration. The bill

itself was not in controversy at all, and, therefore, the point made by the gentleman from Georgia is not well taken.

The SPEAKER. The Chair agrees with the gentleman from Georgia on general principles, that where a Member in charge of a bill is defeated on some essential or important question relating to the merits of the bill the control passes to some Member in opposition.

The rule is this:

When an essential motion made by the Member in charge of the bill is decided adversely the right to prior recognition passes to the Member leading the opposition to the motion. The control of the measure passes under this principle when the House disagrees to the recommendation of the committee reporting the bill, when the Committee of the Whole reports the bill adversely, and in most cases when the House disagrees to a conference report. But the mere defeat of an amendment proposed by the Member in charge does not cause the right to prior recognition to pass to the opponent.

The question is, Was the motion of the gentleman from Minnesota what might be termed "an essential motion"? The Chair does not think so. The Chair thinks it had nothing to do with the merits of the question, but was merely as to the time when that should be had.

Mr. GARNER. May I ask the Chair a question?

The SPEAKER. Certainly.

Mr. GARNER. What more essential motion could have been made than the one made by the gentleman from Minnesota? The essential motion was, When shall we consider the bill, and how could you have a more essential motion made in the House of Representatives than a motion to postpone the consideration of the bill?

Mr. KNUTSON. Mr. Speaker, there would be only one essential motion, and that would be, Shall the President's veto be upheld?

Mr. GARNER. And that is what the gentleman from South Carolina [Mr. GASQUE] urged.

Mr. KNUTSON. I merely asked to postpone the consideration of the veto until Thursday. The merits of the bill did not enter into my motion at all. I move the previous question.

The SPEAKER. The Chair has before him another precedent on the subject which seems to him to be in point.

Mr. CANNON. Mr. Speaker, would the Chair permit one suggestion?

The SPEAKER. Yes.

Mr. CANNON. As the Chair is no doubt aware, the defeat of a motion for the previous question is always considered such an essential motion as to reverse the right to recognition when decided against the Member in charge. What is the issue raised by the motion for the previous question? It is whether or not there shall be an immediate vote on the pending proposition. And what is the issue involved in the vote just had on the motion to postpone consideration of the pension bill returned with the President's veto? It is whether there shall be an immediate vote on the bill. The House has voted against the Member in charge and the effect of the rejection of the motion to postpone consideration is to precipitate an immediate vote on the bill. It is therefore such an essential motion as to reverse the right to recognition and the gentleman from South Carolina is entitled to recognition to move the previous question.

The SPEAKER. Can the gentleman from Missouri recall at any time where a vote was had immediately on a presidential veto? Has it not always been the custom to postpone it for a short time or refer it to a committee? This is not a usual thing.

Mr. CANNON. On the contrary, it is the invariable rule to act on a vetoed bill on the day on which received. The question raised by the motion was whether it should be postponed or should not be postponed. As the House has decided it shall not be postponed, the effect is to bring the bill to a vote to-day. It is an essential motion.

The SPEAKER. The Chair does not think the vote we just had goes to the merits of the matter at all. The Chair thinks gentlemen might prefer to vote on Thursday rather than to vote to-day, without any consideration of the merits of the precise proposition.

The Chair has before him this precedent, which seems to be in line. It will be found in Hinds' Precedents, Volume II, section 1478.

The defeat of an amendment proposed by the committee does not cause the right to prior recognition to pass from the Member representing the committee in charge of the bill. On March 7, 1902, Mr. Joel P. Heatwole, of Minnesota, chairman of the Committee on Printing, reported a joint resolution (H. J. Res. 26) providing for the publication of the special report on the Diseases of the Horse, with an amendment proposed by the committee.

The question being taken, the amendment was disagreed to by the House.

Thereupon Mr. Oscar W. Underwood, of Alabama, who had opposed the amendment on the floor, demanded recognition on the ground that with the defeat of the committee amendment the control of the measure passed to the opponents.

The Speaker said:

"The Chair is of opinion that the defeat of an amendment does not transfer the control of the bill. That is a mere minor detail. The gentleman from Minnesota moves to recommit."

The Chair thinks that is about the same situation as the one confronting us now.

Mr. CRISP. Mr. Speaker, may I say this with the greatest deference? That decision could not have been otherwise because the rule expressly provides that the defeat of an amendment does not change control, but we respectfully submit that that is not analogous to the present situation. The contest was clear-cut as to whether the House would postpone the vote or would immediately consider the President's veto. The House gave overwhelming evidence of its desire to proceed immediately.

The SPEAKER. The Chair can not possibly have knowledge of whether the Members were animated in their vote now by a desire to vote on the merits of the proposition.

Mr. GARNER. Mr. Speaker, the only issue involved was the question of whether the consideration of the President's veto should be postponed until Thursday. Does the Chair agree with the gentleman from Missouri [Mr. CANNON] that a motion for the previous question being defeated, transfers the right of recognition?

The SPEAKER. It does; but that is not the question.

Mr. GARNER. Then may I follow that up with this statement? That was the motion of the gentleman from South Carolina. If he is recognized now, he will move the previous question on the matter of consideration.

The SPEAKER. The Chair does not know what the gentleman from South Carolina would do.

Mr. GARNER. He did not have the opportunity to do that, but the Chair recognized the gentleman from Minnesota. He moved to postpone until next Thursday, and moved the previous question. The previous question was ordered. The House overwhelmingly declined to let the matter go over until Thursday, indicating that it wants to vote on the matter immediately. And now the Chair proposes to continue the recognition of the gentleman from Minnesota?

The SPEAKER. Precisely. The House has indicated its desire to vote immediately, but the gentleman from Minnesota is the chairman of the Committee on Pensions, and it seems to the Chair that he is entitled as chairman of the committee to discuss the matter on the merits. We have had no vote that has gone to the merits of the bill at all.

Mr. GARNER. I understand that, but that is not the question involved in recognizing the gentleman from Minnesota. The question is, under the practice and rules of the House, Does this vote automatically transfer to the opposition the right of recognition?

The SPEAKER. The Chair does not think so in this case.

Mr. GARNER. With all due respect to the Chair's ruling, I am thoroughly convinced that the Chair is wrong, and this is one instance in which I am going to appeal from the ruling of the Chair.

Mr. CHINDBLOM. I make the point of order that no appeal lies. This is a matter of recognition.

The SPEAKER. This is a matter purely of recognition. The Chair wants to be absolutely fair. If he thought that there was any possible unfairness in recognizing the gentleman from Minnesota, he would be the last one to recognize him.

Mr. GARNER. I am inclined to think that myself, Mr. Speaker.

The SPEAKER. The question is whether this was an essential motion dealing with the merits of the question. The Chair does not think so, and the Chair recognizes the gentleman from Minnesota.

Mr. KNUTSON. Mr. Speaker, I move the previous question.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. What motion is before the House? We do not know what motion the gentleman from Minnesota has made.

The SPEAKER. It means simply that there shall be no debate.

Mr. CRISP. Is that on the motion to pass?

The SPEAKER. Yes. The question is on agreeing to the motion for the previous question.

The previous question was ordered.

The SPEAKER. Under the Constitution, the vote is to be taken by yeas and nays. All those in favor of passing the bill, the objections of the President to the contrary notwithstanding, will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 299, nays 14, not voting 115, as follows:

[Roll No. 56]
YEAS—299

Ackerman	Doughton	Johnson, Tex.	Quin
Adkins	Douglas, Ariz.	Johnson, Wash.	Ragon
Allen	Douglass, Mass.	Jonas, N. C.	Rainey, Henry T.
Allgood	Dowell	Jones, Tex.	Ramey, Frank M.
Almon	Doxey	Kading	Ramseyer
Andresen	Drane	Kahn	Ramspeck
Aswell	Drewry	Kelly	Rankin
Auf der Heide	Driver	Kemp	Ransley
Ayres	Dunbar	Kendall, Ky.	Reece
Bachmann	Dyer	Kendall, Pa.	Reid, Ill.
Bacon	Eaton, Colo.	Kerr	Robinson
Baird	Eaton, N. J.	Kiefner	Rogers
Barbour	Edwards	Kieess	Rowbottom
Beedy	Elliot	Kincheloe	Rutherford
Beers	Ellis	Kinzer	Sanders, N. Y.
Bell	Englebright	Kopp	Sanders, Tex.
Blackburn	Eslick	Korell	Sandlin
Bland	Evans, Calif.	Kurtz	Schafer, Wis.
Blanton	Evans, Mont.	Kvale	Schneider
Bohn	Finley	LaGuardia	Sears
Bowman	Fisher	Lambertson	Selberling
Box	Fitzgerald	Lampert	Selvig
Brand, Ga.	Fitzpatrick	Lankford, Ga.	Shaffer, Va.
Brand, Ohio	Frear	Lea	Short, Mo.
Briggs	Free	Leavitt	Shott, W. Va.
Browne	Freeman	Lehlbach	Shreve
Browning	Fuller	Letts	Simmons
Brumm	Fulmer	Lindsay	Simms
Buckbee	Gambrell	Linticum	Sinclair
Burtress	Garber, Okla.	Lozier	Sloan
Busby	Garber, Va.	Ludlow	Smith, Idaho
Butler	Garner	McClintic, Okla.	Smith, W. Va.
Byrns	Garrett	McCormack, Mass.	Snow
Cable	Gasque	McCormick, Ill.	Speaks
Campbell, Iowa	Gibson	McDuffie	Sproul, Ill.
Campbell, Pa.	Glover	McFadden	Sproul, Kans.
Canfield	Goldsbrough	McKeown	Stafford
Cannon	Goodwin	McLaughlin	Stalker
Carter, Calif.	Granfield	McLeod	Stobbs
Carter, Wyo.	Green	McMillan	Strong, Kans.
Cartwright	Gregory	McReynolds	Sullivan, Pa.
Chalmers	Guyer	McSwain	Summers, Wash.
Christgau	Hadley	Manlove	Summers, Tex.
Christopherson	Hale	Mansfield	Swanson
Clague	Hall, Ill.	Mapes	Swick
Clancy	Hall, Ind.	Martin	Swing
Clark, Md.	Hall, Miss.	Menges	Tarver
Clark, N. C.	Hall, N. Dak.	Michaelson	Thatcher
Cochran, Mo.	Halsey	Michener	Thompson
Cole	Hammer	Miller	Thurston
Collier	Hancock	Milligan	Timberlake
Collins	Hardy	Montague	Tinkham
Colton	Hare	Moore, Ky.	Vestal
Connelly	Hartley	Moore, Ohio	Vinson, Ga.
Cooke	Hastings	Moore, Va.	Walker
Cooper, Tenn.	Haugen	Morehead	Warren
Cooper, Wis.	Hawley	Morgan	Wason
Cox	Hess	Mouser	Watres
Craddock	Hickey	Murphy	Watson
Crail	Hill, Ala.	Nelson, Mo.	Welch, Calif.
Cramton	Hill, Wash.	Niedringhaus	Welsh, Pa.
Crisp	Hoch	O'Connell	Whitley
Cross	Hogg	O'Connor, La.	Whittington
Crosser	Holaday	Oldfield	Williamson
Crowther	Hope	Oliver, Ala.	Wilson
Culkin	Hopkins	Palmer	Wolverton, N. J.
Cullen	Howard	Palmisano	Wolverton, W. Va.
Dallinger	Huddleston	Parker	Woodruff
Darrow	Hudson	Parks	Woodrum
Davis	Hull, Wis.	Patman	Wright
Dempsey	Irwin	Patterson	Wurzbach
Denison	Jeffers	Pittenger	Yates
De Priest	Jenkins	Pou	Zihlman
DeRoven	Johnson, Nebr.	Pritchard	
Dominick	Johnson, Okla.	Purnell	

NAYS—14

Aldrich	Houston, Del.	Lankford, Va.	Taber
Chindblom	Hull, Morton D.	Luce	Wainwright
French	Johnson, S. Dak.	Merritt	
Graham	Knutson	Perkins	

NOT VOTING—115

Abernethy	Chase	Foss	Ketcham
Andrew	Clarke, N. Y.	Gavagan	Kunz
Arentz	Cochran, Pa.	Gifford	Langley
Arnold	Connolly	Golder	Lanham
Bacharach	Cooper, Ohio	Greenwood	Larsen
Bankhead	Corning	Griffin	Leech
Beck	Coyle	Hoffman	McClintock, Ohio
Black	Curry	Hooper	Maas
Bloom	Davenport	Hudspeth	Magrady
Bolton	Dickinson	Hull, Tenn.	Mead
Boylan	Dickstein	Hull, William E.	Montet
Brigham	Doutrich	Igoe	Mooney
Britten	Doyle	James	Nelson, Me.
Brunner	Estep	Johnson, Ill.	Nelson, Wis.
Buchanan	Esterly	Johnson, Ind.	Newhall
Burdick	Fenn	Johnson, Mo.	Nolan
Carley	Fish	Kearns	Norton
Celler	Fort	Kennedy	O'Connor, Okla.

O'Connor, N. Y.
Oliver, N. Y.
Owen
Peavey
Porter
Prall
Pratt, Harcourt J.
Pratt, Ruth
Quayle
Rayburn
Reed, N. Y.

Romjue
Sabath
Seger
Sirovich
Snell
Somers, N. Y.
Sparks
Spearing
Steagall
Stedman
Stevenson

Stone
Strong, Pa.
Sullivan, N. Y.
Taylor, Colo.
Taylor, Tenn.
Temple
Tilson
Treadway
Tucker
Turpin
Underhill

Underwood
Vincent, Mich.
White
Whitehead
Wigglesworth
Wingo
Wolfenden
Wood
Wyant
Yon

So, two-thirds having voted in the affirmative, the Senate bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Until further notice:

Mr. Tilson with Mr. Stevenson.
Mr. Chase with Mr. Buchanan.
Mr. Wood with Mr. Sullivan of New York.
Mr. Nelson of Wisconsin with Mr. Hull of Tennessee.
Mr. Maas with Mr. Prall.
Mr. William E. Hull with Mr. Steagall.
Mr. Esterly with Mr. Carley.
Mrs. Ruth Pratt with Mr. Mead.
Mr. Vincent of Michigan with Mr. Bloom.
Mr. McClintock of Ohio with Mr. Stedman.
Mr. Johnson of Illinois with Mr. Sirovich.

Mr. JOHNSON of Texas. Mr. Speaker, my colleagues from Texas, Mr. BUCHANAN, Mr. RAYBURN, Mr. HUDSPETH, and Mr. LANHAM, are unavoidably absent. If they were present they would vote "yea."

Mr. EDWARDS. Mr. Speaker, my colleague, Mr. LARSEN, is unavoidably absent. If he were present, he would vote "yea."

Mr. RAGON. Mr. Speaker, my colleague, Mr. WINGO, is unavoidably detained. If he were present, he would vote "yea."

Mr. DOUGHTON. Mr. Speaker, my colleague, Mr. ABERNETHY, is unavoidably absent. If he were present, he would vote "yea."

Mr. KENDALL of Kentucky. Mr. Speaker, my colleague, Mr. NEWHALL, is unavoidably absent. If he were present, he would vote "yea."

The result of the vote was announced as above recorded.

SALARIES METROPOLITAN POLICE FORCE AND FIRE DEPARTMENT, DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I move to suspend the rules and pass the bill S. 2370 as amended, to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the annual basic salaries of the officers and members of the Metropolitan police force shall be as follows: Major and superintendent, \$8,000; assistant superintendents, \$5,000 each; inspectors, \$4,500 each; captains, \$3,600 each; lieutenants, \$3,050 each; sergeants, \$2,750 each; privates, a basic salary of \$1,900 per year, with an annual increase of \$100 in salary for five years, or until a maximum salary of \$2,400 is reached. All original appointments of privates shall be made at the basic salary of \$1,900 per year, and the first year of service shall be probationary.

SEC. 2. That the annual basic salaries of the officers and members of the fire department of the District of Columbia shall be as follows: Chief engineer, \$8,000; deputy chief engineers, \$5,000 each; battalion chief engineers, \$4,500 each; fire marshal, \$5,000; deputy fire marshal, \$3,000; inspectors, \$2,460 each; captains, \$3,000 each; lieutenants, \$2,840 each; sergeants, \$2,600 each; superintendent of machinery, \$5,000; assistant superintendent of machinery, \$3,000; pilots, \$2,600 each; marine engineers, \$2,600 each; assistant marine engineers, \$2,460 each; marine firemen, \$2,100 each; privates, a basic salary of \$1,900 per year, with an annual increase of \$100 in salary for five years, or until a maximum salary of \$2,400 is reached. All original appointments of privates shall be made at the basic salary of \$1,900 per year, and the first year of service shall be probationary.

SEC. 3. That privates of the Metropolitan police force and of the fire department shall be entitled to the following salaries: Privates who have served less than one year, at the rate of \$1,900 per annum; privates who have served more than one year and less than two years, at the rate of \$2,000 per annum; privates who have served more than two years and less than three years, at the rate of \$2,100 per annum; privates who have served more than three years and less than four years, at the rate of \$2,200 per annum; privates who have served more than four years and less than five years, at the rate of \$2,300 per annum; privates who have served more than five years, at the rate of \$2,400 per annum: *Provided*, That privates in class 3 on the effective date of this act who have served less than six years shall be entitled to an annual salary of \$2,200, privates who have served six years and less than seven years shall be entitled to an annual salary of \$2,300, and privates who have served seven years or more shall be entitled to an annual salary of \$2,400.

SEC. 4. That no annual increase in salary shall be paid to any person who, in the judgment of the Commissioners of the District of Columbia, has not rendered satisfactory service, and any private who fails to

receive such annual increase for two successive years shall be deemed inefficient and forthwith removed from the service by the commissioners: *Provided*, That under such rules and regulations as the commissioners shall promulgate, the major and superintendent of police and the chief engineer of the fire department shall select and report to the commissioners from time to time the names of privates and sergeants in each department who, by reason of demonstrated ability, may be considered as possessed of outstanding efficiency, and the commissioners are authorized and directed to grant to not exceeding 10 per cent of the authorized strength, respectively, of such privates and sergeants in each department additional compensation at the rate of \$5 per month: *Provided further*, That the commissioners may withdraw such compensation at any time and remove any name or names from among such selections.

SEC. 5. That, commencing with the effective date of this act, there shall be deducted for the benefit of the policemen and firemen's relief fund 3¼ per cent of the monthly pay of each member of the Metropolitan police force, the fire department, the United States park police, and the White House police force. That hereafter, upon the separation from the service of any such member, except for retirement as authorized by existing law, he shall be refunded the deductions made from his salary for said fund, and should any such member subsequently be reappointed to any of such police forces or the fire department he shall be required to redeposit to the credit of the policemen and firemen's fund the amount of deductions refunded to him. In the case of the death of any such member while in the service the amount of his deductions shall be paid to the legal representative of his estate, provided he leaves no widow or child or children entitled to and granted relief payable from said fund.

SEC. 6. That no increase shall be granted or paid in the pension relief allowance of any person now on the retired roll as the result of increases in salaries authorized by this act, and the Commissioners of the District of Columbia are hereby empowered to determine and fix the amount of the pension-relief allowance hereafter granted to any person under and in accordance with the provisions of section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, and acts amendatory thereof.

SEC. 7. That this act shall be effective on and after July 1, 1930.

The SPEAKER. Is a second demanded?

Mr. SIMMONS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. McLEOD] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

GUILFORD COURTHOUSE NATIONAL MILITARY PARK

Mr. WARREN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7496) authorizing an appropriation for improvements at the Guilford Courthouse National Military Park, and pending that I would like to make a short statement.

This bill was introduced by my colleague, the venerable gentleman from North Carolina [Mr. STEDMAN], and it is probably his last legislative act. It authorizes an appropriation to hard surface some roads in the Guilford Courthouse National Military Park, which is considered highly necessary by reason of the sesquicentennial to be held in March, 1931. I have consulted with the acting chairman of the Committee on Military Affairs and the ranking minority member, and this action is agreeable to them.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$50,000 is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War in the erection of a home for the superintendent, for the purchase of additional land, surfacing of roads, and all other necessary improvements at Guilford Courthouse National Military Park established by act of Congress approved March 2, 1917.

With the following committee amendments:

Page 1, lines 5 and 6, strike out "in the erection of a home for the superintendent"; page 1, line 7, after the word "of," insert the word "necessary."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. WARREN]?

Mr. LA GUARDIA. Reserving the right to object, I understand the Military Affairs Committee is next on the call. This bill is called up unexpectedly. The gentlemen say it is all right, and perhaps it is. I do not know. It is not on the Consent Calendar, and I do not know anything about it. With all

due respect to the venerable gentleman from North Carolina [Mr. STEDMAN], whom I very dearly love, that is not justification for the sudden consideration of a bill of this kind without notice. I do not believe this land is going to run away.

Mr. WARREN. Will the gentleman yield?

Mr. LA GUARDIA. I yield.

Mr. WARREN. I am not asking the House to pass this measure out of any sentiment whatever. If this work is to be done, and these roads are to be paved, then the appropriation must be secured in the pending deficiency appropriation bill.

Mr. DOWELL. Will the gentleman yield?

Mr. WARREN. I yield.

Mr. DOWELL. Is this entirely inside of a military reservation?

Mr. WARREN. Yes, sir.

Mr. STAFFORD. Will the gentleman yield?

Mr. WARREN. I yield.

Mr. STAFFORD. May I say to the gentleman from New York [Mr. LA GUARDIA] that it was represented before the committee that there is going to be a celebration in commemoration of the Battle of Guilford Courthouse in March, 1931. The committee went into the matter very carefully. It is to provide for some land that is necessary as a part of this Guilford Courthouse memorial. Some land is going to be dedicated by certain patriotic organizations, and some is to be purchased, virtually at cost. The roads to be constructed will be entirely within the confines of the proposed park.

Mr. RANSLEY. Will the gentleman yield?

Mr. LA GUARDIA. I yield.

Mr. RANSLEY. The Military Affairs Committee unanimously reported this bill. It makes available an appropriation of \$50,000, which is not a large amount.

Mr. LA GUARDIA. What is the immediate need of additional lands?

Mr. STAFFORD. There is only a small piece of land on which the monument is erected. It is on top of a high hill, and it is proposed to receive donations of appurtenant land around the monument. It is of a strategic character.

Mr. LA GUARDIA. What does the gentleman mean by saying it is of a strategic character?

Mr. STAFFORD. I mean so far as the battle ground is concerned as a study in military tactics.

The SPEAKER. Is there objection?

Mr. TABER. I object.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. STEVENSON, for one week, on account of illness in his family;

To Mr. MAAS (at the request of Mr. PITTEGER), indefinitely, on account of important business;

To Mr. ROMJUE (at the request of Mr. MILLIGAN), indefinitely, on account of his wife's illness;

To Mr. LANHAM, for to-day, on account of illness; and

To Mr. WILLIAMS, indefinitely, on account of important business.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4849. An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory; and

H. R. 9439. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 185. An act to amend section 180, title 28, United States Code, as amended;

H. R. 3975. An act to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers and to add a new section thereto;

H. R. 9439. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.; and

H. R. 11430. An act granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Hudson River at or near Catskill, Greene County, N. Y.

PAYMENT OF CLAIMS OF THE SISSETON AND WAHPETON BANDS OF SIOUX INDIANS

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass Senate bill 1372, authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians, as amended.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass Senate bill 1372, as amended. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an appropriation of \$300,000 be, and the same is hereby, authorized to be paid out of any money in the Treasury not otherwise appropriated, the same to be in full settlement of all claims of the Sisseton and Wahpeton Bands of Sioux Indians on account of claims asserted by them and arising and growing out of the treaty of September 20, 1872 (Kappler's Indian Laws and Treaties, 2d Ed., vol. 2, p. 1057): *Provided*, That out of said amount there shall be paid to the attorneys prosecuting said claims as attorneys' fees, and to Joseph R. Brown and Ignatius Court, as representatives of said Indian tribes, such sums as to the Secretary of the Interior may appear just and equitable for services rendered in the prosecution of the claims of said Indian tribes under said treaty, not exceeding in all 10 per cent of the amount hereby appropriated.

The proceeds of the amount hereby authorized to be appropriated, less attorneys' fees and any amount that may be paid to said Joseph R. Brown and Ignatius Court, shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per cent per annum from the date of the approval of this act, and shall be subject to appropriation by Congress for the use and benefit of said Indians.

The SPEAKER. Is a second demanded?

Mr. CRAMTON. Mr. Speaker, I demand a second.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. GARNER. Will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARNER. Is this a unanimous report from the Committee on Indian Affairs?

Mr. JOHNSON of South Dakota. It is practically a unanimous report. There is one member on this side of the House who has not joined in the report.

Mr. LEAVITT. I do not recall any vote against it, but there may have been one.

Mr. GARNER. Was there a full attendance on the minority side in the consideration of this bill?

Mr. LEAVITT. Yes.

Mr. EVANS of Montana. I will say, Mr. Speaker, that I was on the subcommittee which reported this bill and it was fully discussed there. I was present at the meeting of the full committee and it was again discussed there. I do not know with what unanimity it was voted out, but my recollection is there was only one member against it.

Mr. LEAVITT. I will state that I now recall there was one member of the committee who expressed some ideas against the bill, but he did not vote against the bill on the vote.

Mr. EVANS of Montana. I think that is correct.

Mr. HOWARD. I will say to the gentleman from Texas, regarding the interest of the minority, that it was splendidly represented on that occasion. I was there.

Mr. GARNER. Let me say this, that from the reading of the bill—and, of course, that is all I can go by—it looked as though it was in the interest of a man named Brown more than it was in the interest of the Indians. That is why I asked that question. Mr. Brown seems to get \$30,000 out of the \$300,000.

Mr. JOHNSON of South Dakota. There is no intention that Brown will get \$30,000.

Mr. GARNER. Well, he gets 10 per cent of \$300,000. How much is that?

Mr. JOHNSON of South Dakota. It is to be divided among all of the attorneys who were represented in this case since 1872.

Mr. GARNER. Brown is the only man I heard mentioned.

Mr. JOHNSON of South Dakota. Brown is an Indian and he is to be paid some costs.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. COOPER of Wisconsin. I noticed in the reading of the bill a reference to a printed volume of treaties, and the number of the volume and the page were given. What is there to show that that is an accurate print of the original treaty?

Mr. JOHNSON of South Dakota. Nothing, so far as I know, except the fact that it is said to be. Perhaps the chairman of the Committee on Indian Affairs can answer that question.

Mr. COOPER of Wisconsin. I do not see how anybody can say it is. A matter of that kind should be a matter of the official record. The original treaty should be in the archives of the Government, and a mere reference to a printed copy of the treaty ought not to suffice to pass a \$300,000 appropriation.

Mr. LEAVITT. If the gentleman will yield at this point—

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. LEAVITT. Kappler's Treaties has been adopted by the Congress as accurately setting forth the treaties that are of record in the archives of the Government.

Mr. COOPER of Wisconsin. Was it officially adopted by the Government?

Mr. LEAVITT. It was officially adopted by the Congress.

Mr. COOPER of Wisconsin. Is there a reference to it in the bill as read?

Mr. LEAVITT. Yes; the reference is to Kappler's Treaties.

Mr. JOHNSON of South Dakota. In the bill as read; yes.

Mr. COOPER of Wisconsin. I know the volume was cited, but I did not understand any citation was made to the approval of the Congress.

Mr. JOHNSON of South Dakota. As I understand it, that was done by an act of Congress.

Mr. LEAVITT. It is a matter of history that this particular treaty was ratified by the United States. There is no question of that, I will say to the gentleman.

Mr. COOPER of Wisconsin. Yes; but the terms of the treaty are all important, and as I heard the bill read, it simply referred to the treaty as printed in a book.

Mr. JOHNSON of South Dakota. In an official book.

Mr. LEAVITT. It is set forth in the bill just as we refer to the code in referring to laws generally. Kappler's Indian Laws and Treaties has been adopted by the Congress as being the official statement of these treaties.

Mr. COOPER of Wisconsin. It may have been customary to use it in that way, but did the Congress in so many words by statute ever adopt that as an official document with respect to the accuracy of the treaties?

Mr. LEAVITT. I think it did.

Mr. COOPER of Wisconsin. Does the gentleman know whether that was done or not? That is vitally important in this matter.

Mr. LEAVITT. Yes; that is true.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. WILLIAMSON. I may say to the gentleman from Wisconsin that the Congress passed a resolution under which it employed Mr. Kappler to make a compilation of all Indian laws and treaties, and this treaty, by the way, is cited in a general statute. A law was passed which, word for word, contains the treaty itself, and it is, therefore, statutory law.

Mr. JOHNSON of South Dakota. Mr. Speaker, I intend to take very little time of the House in any discussion of this matter, but in order to make the purpose of the bill clear I must call attention to the history of this claim. It arises out of a treaty of September 20, 1872, between the United States and the Sisseton and Wahpeton Bands of Sioux Indians. They occupied at that time all the country from central South Dakota to central North Dakota, a wonderful lake region.

The Government desired to remove them from that section and entered into this treaty. Both sides agreed there was 8,000,000 acres of land involved. This is shown by the official opinion of the Court of Claims, in their official findings in 1920, when that court said:

In the making of said agreement of September 20, 1872, it was the understanding and belief of the parties thereto that the approximate area of the land to be sold and ceded by the Indians under said agreement was 8,000,000 acres, whereas the actual area of said tract was 11,000,000 acres or approximately 3,000,000 acres more than was believed to constitute its area.

The Indians received but 10 cents per acre for this land. They have not attempted to add any interest to the claim, although it has been running for many years, because they know that by reason of the condition of the Treasury it would be futile to try to secure interest. Therefore the claim is made only for the 10 cents per acre on the 3,000,000 acres, which is \$300,000.

Running throughout the opinion of the Court of Claims, where this matter was once presented, and was not allowed because of a technicality, the equities of the case are specifically stated to be with the Indians, and the report of the department, which I think will be placed in the RECORD by the distinguished and able gentleman from Michigan [Mr. CRAMTON], will hold that the bureau does not favor the bill, but a careful reading of the

report, in my judgment, would show that the bureau has acknowledged the equities of the case.

Mr. EVANS of California. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. EVANS of California. What has caused the delay in the settlement of this claim, may I ask the gentleman?

Mr. JOHNSON of South Dakota. Some years ago these Indians were given authority to sue in the Court of Claims on 10 different items. That case eventually went to the Supreme Court. It was lost on a technicality. The other nine claims, involving a great many millions of dollars, have been definitely settled, and I think will never be presented to the Congress. This was the one claim which seemed to be so equitable that it would have the unanimous indorsement of the committee and, I think, of the Congress.

Mr. EVANS of California. Is now the first time they have had proper jurisdiction to present this bill or to ask for its passage?

Mr. JOHNSON of South Dakota. Before they always presented it with a great deal of interest included. They were asking for interest and interest on interest, which we have waived in this instance.

This is in settlement of all the claims of these Indians, I may say.

Mr. CRAMTON. Mr. Speaker, I have not asked for time in opposition to this bill with any idea of being able to defeat the bill. But I have not been able to support the bill myself, and I think it only fair to the House to have something of my point of view brought to their attention.

Anyone who has read the report of the Commission of Indian Affairs will note that many years ago a controversy existed and a commission was appointed. There was some difference of opinion then how much ought to be paid the Indians. The Indians asked more than was allowed. One member of the commission thought they ought not to have as much as was allowed.

It is true the land was estimated to be 8,000,000 acres, but it proved to be 11,000,000. There was no price per acre settled upon. It was not a price based upon the acreage; it was a price that was to settle the controversy. Now, 50 years later it is proposed to readjudicate the case and give the Indians \$300,000 more.

Such action, I want to say, in my judgment, is not justified in this case; and if this is done now it will mean a precedent to be urged in reopening every treaty we have entered into with the Indians in settling any controversy. In other words, it is to be urged that a treaty with the Indians does not mean anything; does not close anything.

Now, at this time, I do not desire to take much time. I am going to read a few sentences from the report, and I will ask to put in the whole report:

The records show that under the act of June 7, 1872 (17 Stat. L. 281), the Secretary of the Interior appointed a commission of three persons to examine and report what title or interest the Sisseton and Wahpeton Bands of Sioux had to any portion of the land mentioned and particularly described in the second article of the treaty therewith of February 19, 1867 (15 Stat. L. 505), an irregularly shaped strip of land lying between the James or Dakota and the Cheyenne Rivers and extending partly to the Minnesota boundary line in eastern Dakota Territory.

The commission was instructed to report what compensation ought in justice and equity to be made to the said bands of Indians, respectively, for the extinguishment of whatever title they may have to said lands, and to negotiate with them for the relinquishment of the title upon terms "at once favorable to the Government, and just to the Indians."

The commission reported October 3, 1872, that prior to the treaty of February 19, 1867, supra, the title to the tract of the Sisseton and Wahpeton Bands was doubtful, as other bands of Sioux claimed a common interest in the lands described but that the United States had by the treaty recognized the title of the Sisseton and Wahpeton Bands and was therefore estopped from denying their title. The commission also reported that it estimated the tract of land to have an area of more than 8,000,000 acres, and that the value thereof should be fixed at \$800,000, although the Indians urged \$200,000 more than this sum as the proper value, and one of the commissioners was of the opinion that \$800,000 was more than should be allowed.

Now, omitting something, the report continues:

The records show that at the time of the agreement of September 20, 1872, the commission and the Indians believed that the area of the tract of land so ceded and sold to the United States was approximately 8,000,000 acres, whereas the actual area was 11,000,000. It may be said, however, that the records do not indicate that the settlement with the Indians was based upon any specific price per acre for these lands.

That is the statement of the Commissioner of Indian Affairs. I am not going to argue this before the House, if the House wants to reopen the treaty in the face of this adverse report from the Commissioner of Indian Affairs and the Secretary of the Interior, that is entirely in the power of the House. I thought the House ought to have this information, that there was no agreed statement about the price per acre—that it was a lump sum in settlement of this controversy half a century ago.

Mr. JENKINS. If the gentleman will yield, this case has been to the Supreme Court.

Mr. CRAMTON. The Supreme Court held, under the law, that they were precluded from going into the facts now set up in this.

Mr. BURTNESS. The gentleman understands that the Supreme Court could not go into the question of value, but only the legal rights of the case.

Mr. CRAMTON. I would not want to go so far as that, but I will admit that the jurisdictional act did not permit the court to go behind the treaty and reopen things that had been closed by the treaty.

Mr. BURTNESS. The court did not pass on the question at all as to whether or not more land was involved than was believed at that time.

Mr. CRAMTON. This report shows it was a grave question, and we all know what the conditions were, as to whether these lands ever belonged to these Indians. They were used by other Sioux bands, but we made a treaty in 1867, and whatever mistake we made in 1867, we are thereby estopped. We can not set up the claim that these lands did not belong to these Indians, because we are estopped by the treaty. In 1872 we made another treaty, and we settled with them and paid them a lump sum for the lands and I think they are estopped in the absence of any showing of fraud. Here is the wide-open prairie, and some thought it amounted to 8,000,000 acres, and now with the surveys they think it was 11,000,000, but the settlement was a lump sum and not a price per acre, according to the statement of the Commissioner of Indian Affairs.

Mr. JENKINS. Is it not true that the Secretary of the Interior has also reported adversely?

Mr. CRAMTON. Yes; as well as the Commissioner of Indian Affairs. Their reports are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 12, 1930.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. CHAIRMAN: In response to your request of January 25, for an opinion as to the merits of H. R. 8921, there is transmitted herewith a memorandum submitted by the Commissioner of Indian Affairs. After a review of the situation I am in agreement with Commissioner Rhoads in his adverse report upon the bill.

Very truly yours,

RAY LYMAN WILBUR, Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1930.

Memorandum for the Secretary.

In letter of January 25, 1930, Hon. SCOTT LEAVITT, chairman of the House Committee on Indian Affairs, requests a report on H. R. 8921, "Authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians."

The bill recites, briefly, that the claims of these bands of Sioux Indians have been heard by the United States Court of Claims, which decided adversely to the plaintiffs, and which decision was subsequently affirmed by the United States Supreme Court; that the instant claim is for 3,000,000 acres of land at 10 cents an acre, for which they failed to receive payment under the agreement with the United States of September 20, 1872 (Kappler's Indian Laws and Treaties, vol. 2, p. 1057). The bill authorizes an appropriation of \$300,000 to be paid and disbursed to these Indians under the direction of the Secretary of the Interior, with allowance for attorney fees to be fixed by the Secretary at not to exceed 10 per cent of the amount to be appropriated.

The records show that under the act of June 7, 1872 (17 Stat. L. 281), the Secretary of the Interior appointed a commission of three persons to examine and report what title or interest the Sisseton and Wahpeton Bands of Sioux had to any portion of the land mentioned and particularly described in the second article of the treaty therewith of February 19, 1867 (15 Stat. L. 505), an irregularly shaped strip of land lying between the James or Dakota and the Cheyenne Rivers and extending partly to the Minnesota boundary line in eastern Dakota Territory.

The commission was instructed to report what compensation ought in justice and equity to be made to the said bands of Indians, respectively, for the extinguishment of whatever title they may have to said lands,

and to negotiate with them for the relinquishment of the title upon terms "at once favorable to the Government and just to the Indians."

The commission reported October 3, 1872, that prior to the treaty of February 19, 1867, supra, the title to the tract of the Sisseton and Wahpeton Bands was doubtful, as other bands of Sioux claimed a common interest in the lands described, but that the United States had by the treaty recognized the title of the Sisseton and Wahpeton Bands and was therefore estopped from denying their title. The commission also reported that it estimated the tract of land to have an area of more than 8,000,000 acres, and that the value thereof should be fixed at \$800,000, although the Indians urged \$200,000 more than this sum as the proper value, and one of the commissioners was of the opinion that \$800,000 was more than should be allowed.

The commission submitted with its report a proposed agreement negotiated September 20, 1872, with the Indians (to which reference is made in the bill) by which they ceded all their interest in and title to lands in the Territory of Dakota except the Lake Traverse and Devils Lake Reservations for the principal but not the only consideration of \$800,000, payable in annual installments of \$80,000 each without interest.

Congress, by act of February 14, 1873 (17 Stat. L. 437, 456), ratified and confirmed that portion of the treaty or agreement providing for the cession of the lands and the payment of \$800,000 and appropriated \$80,000 as the first installment payment. The agreement as thus amended and confirmed was ratified by the Indians May 2, 1873 (2 Kappler, p. 1059), and appropriations were thereafter made of the remaining amount.

The records show that at the time of the agreement of September 20, 1872, the commission and the Indians believed that the area of the tract of land so ceded and sold to the United States was approximately 8,000,000 acres, whereas the actual area was 11,000,000. It may be said, however, that the records do not indicate that the settlement with the Indians was based upon any specific price per acre for these lands.

Under the jurisdictional act of April 11, 1916 (39 Stat. L. 47), these Indians filed suit through their attorney of record in the Court of Claims March 17, 1917, and alleged the actual area of the tract in question to be 9,387,664.12 acres. However, an amended petition was filed March 26, 1920, placing the area at 11,000,000 acres, and in which the sum of \$3,750,000 was claimed for 3,000,000 acres excess.

In decision of April 23, 1923 (58 Ct. Cls. 302), the court held that item 3 (the instant claim): "Is rested more upon a supposed moral than a legal obligation; * * * on May 2, 1873, a treaty was fully ratified and confirmed, with the positive assent of the Indians, by the terms of which these lands outside of said reservations, specifically described by metes and bounds, were ceded to the United States for \$800,000, and the money subsequently paid as per the terms of the same. Now, more than a half century after the event, a claim is set up that the treaty was procured by misrepresentation, and both parties were in error as to the acreage of the cession, the Indians believing they were parting with 8,000,000 acres at 10 cents an acre and the United States believing that to be the extent of the land. The facts negative the claim, notwithstanding the cession was of 11,000,000 acres, and we may not under the law receive parol testimony to nullify the terms of a treaty, negotiated and ratified in conformity with law."

Under the act of March 4, 1927 (44 Stat. L. 1847), the case was appealed to the United States Supreme Court, which in decision of May 28, 1928 (277 U. S. 424), sustained the finding of the lower court; and with respect to the instant claim said in part:

"It is also to be noted that there are no specific findings supporting the claims that the stipulated payments referred to in Claims I, III (instant claim), and IV were based on mistake or that different amounts would have been stipulated for and paid had the parties or either of them been aware of the supposed mistakes or the equitable considerations now pressed upon us. To supply the lack of such findings petitioners are compelled to rely on inferences which they seek to draw from the facts as found and already stated in this opinion.

"If we were to assume that the act conferring jurisdiction on the Court of Claims in this case is broad enough to allow a recovery based upon mistakes or other considerations inducing the treaties and acts of Congress with which we are now concerned, we should find it difficult to discern in the findings any basis for the inferences necessary to support a recovery on such a theory. * * *"

While the Indians feel that they have a meritorious claim for the excess of 3,000,000 acres at 10 cents per acre, yet in view of the fact that their claim has been denied by the courts I am unable to recommend that the bill receive favorable consideration.

A similar adverse report was made in memorandum of October 26, 1929, on Senate bill 1372, which is identical with the instant bill.

C. J. RHOADS, *Commissioner*.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield two minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I am anxious that the House does not get the impression that this bill has been reported out without very careful consideration by the Committee on In-

dian Affairs. It was referred to a subcommittee headed by the gentleman from South Dakota [Mr. WILLIAMSON], and hearings were had before that subcommittee. Indians whose memory goes back to the days when this treaty was entered into appeared before that committee, including some who participated in those negotiations. The impression in the minds of those Indians is very clear that the price of this land was set on the acreage. It was thought to have been about 8,000,000, and regardless of some record made then by an official of the Government, which report has been consulted by the Commissioner of Indian Affairs, there were the living witnesses. Afterwards we had testimony that a survey had been made showing the land consisted of about 11,000,000 acres, so that if the real area had been known at the time the treaty was made, and no question was raised then as to the ownership of that land by these particular Indians, they would have received the additional \$300,000. This matter would not then be before the Congress at this time. The court merely came to the conclusion in hearing this case that it had no jurisdiction to enter into this precise matter, leaving the only recourse for these Indians to secure another jurisdictional act to cover this particular matter, or to have this act passed now.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Speaker, it is true that this bill, H. R. 8921, had extensive hearings before our committee, but the committee was not unanimous in its indorsement of the bill. This is a tremendously big sum of money to appropriate from a political or sentimental standpoint. It should not have been done in the first place, and it should not be done now. There was no greater reason for sending it to the Court of Claims in the first place than there is to-day. The House is no better informed to-day than it was then. The gentleman from Michigan [Mr. CRAMTON] has quite correctly stated the facts concerning the proposition. The authorization bill providing jurisdiction in the Court of Claims for the hearing of the case of the Indians was not broad enough in jurisdiction to enable the court to go into the matter of the making of the treaty with the Indians. It stopped short of that. The Court of Claims did undertake to find what the facts were in the case, although without jurisdiction to do so. An appeal was taken to the Supreme Court, and the Supreme Court held that it was doubtful whether there is any merit in their claim, even if the Court of Claims had jurisdiction to go into it. If the Supreme Court, viewing the findings, though made without jurisdiction of the Court of Claims, said it is doubtful whether there is any merit in the claim, even if the court had jurisdiction to hear it, it seems to me that it is doubtful that the Congress should appropriate \$300,000. I would much prefer to send the claim back to the Court of Claims with a special bill giving the Court of Claims ample jurisdiction to go into the claim fully. No effort should be made to deny the Indians an opportunity to present their claim, but it is wrong to take money out of the Treasury as this bill proposes to do now. I am for the Indians first, last, and all the time, but that does not mean that I am for taking money out of the Treasury as this bill would take it out.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield three minutes to the gentleman from Montana [Mr. EVANS].

Mr. EVANS of Montana. Mr. Speaker, I shall support this bill. I was on the subcommittee that went into the matter, and found about this condition—that a jurisdictional bill had heretofore been passed. The matter went to the Court of Claims. The Court of Claims held that they could not go into all of the details of the matter, but they would find the facts. They did not have authority to adjust the matter. They found this. That is a matter of fact. The Government and the Indians both believed there was 800,000,000 acres in this tract, and they negotiated on the statement that there was 800,000,000 acres in the tract. The Court of Claims found that it was proved that there was 11,000,000 acres in the tract.

As the gentleman said, the Government was acting for those Indians. The Indians did not know an acre from a township. They were told that there were 8,000,000 and were to be paid \$800,000. That is at the rate of 10 cents per acre.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. GARRETT. How long after the first settlement or agreement was it that the survey demonstrated that there were three million extra acres?

Mr. EVANS of Montana. It was some years afterwards.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. BURTNESS. It was mentioned in the first petition to the Court of Claims that there was a smaller tract?

Mr. EVANS of Montana. Yes; that is correct. The Government in dealing with its wards should deal justly, fairly, and generously. If this were a transaction between two citizens in any of the courts of the land and the parties had made a mistake—and in this case both parties made a mistake—one man could go into court and reform that contract. It has been done hundreds of times. The Government said to these people, "We want 8,000,000 acres from you for \$800,000."

Mr. HASTINGS. It was on the basis of 10 cents an acre?

Mr. EVANS of Montana. Yes. The Indians said it was on the basis of 10 cents an acre.

When the land was surveyed it proved to be 11,000 acres. There is no dispute on the question that both parties negotiated on the basis and theory that the tract contained only 8,000 acres. Both the Court of Claims and the Supreme Court found that to be the fact but both courts held they had not the jurisdiction to remedy the matter. I hope the bill will pass.

The SPEAKER. The time of the gentleman from Montana has expired. The question is on the motion to suspend the rules and pass the bill.

Mr. KVALE. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 31, noes 32.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the point of no quorum, and object to the vote on the ground that there is no quorum present.

ADJOURNMENT

Mr. LAGUARDIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 3, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, June 3, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To amend the Mississippi River flood control act of May 15, 1928 (H. R. 7499, 8879, and 11548).

To establish a reservoir system of flood control (H. R. 9376).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON EDUCATION

(8 p. m., room 452, House Office Building)

Elective school board for the District of Columbia (H. R. 1413).

To amend the teachers' salary act (H. R. 10656).

Refund of salaries to assistant directors of public schools (H. R. 12158).

To authorize use of old business high school (S. 4227).

COMMITTEE ON BANKING AND CURRENCY

(2.30 p. m.)

To authorize the Committee on Banking and Currency to investigate chain and branch banking (H. Res. 141).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

518. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill to increase the salary of the Commissioner of Customs to \$10,000 per annum; to the Committee on Ways and Means.

519. A letter from the Acting Secretary of the Navy, transmitting a draft of a bill to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval radio station, Eureka, Calif., on January 17, 1930; to the Committee on Claims.

520. A communication from the President of the United States, transmitting drafts of proposed provisions pertaining to appropriations of the Department of Agriculture for the plant quarantine and control administration and for the purchase of land for addition to the Upper Mississippi River Wild Life and Fish Refuge (H. Doc. No. 442); to the Committee on Appropriations and ordered to be printed.

521. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1931, amounting to \$200,000 (H. Doc. No. 443); to the Committee on Appropriations and ordered to be printed.

522. A communication from the President of the United States, transmitting supplemental estimate of appropriations for payment of judgment, United States district courts, Navy Department (H. Doc. No. 444); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. R. 12014. A bill to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business on a mileage basis in lieu of actual operating expenses; with amendment (Rept. No. 1751). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12397. A bill to amend certain sections of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, so as to modify the penalties for offenses against the currency of foreign countries to conform to the penalties provided for offenses against the currency of the United States; with amendment (Rept. No. 1752). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpoena witnesses and records, and to punish for contempt; without amendment (Rept. No. 1753). Referred to the House Calendar.

Mr. ARENTZ: Committee on Irrigation and Reclamation. S. 3386. An act giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929; without amendment (Rept. No. 1754). Referred to the House Calendar.

Mr. STALKER: Committee on the District of Columbia. S. 4223. An act to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927; with amendment (Rept. No. 1755). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAGUARDIA: Committee on the Judiciary. H. Res. 191. A resolution providing that a special committee be appointed to inquire into the official conduct of Harry B. Anderson, United States district judge for the western district of Tennessee; with amendment (Rept. No. 1756). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 2466. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower; without amendment (Rept. No. 1742). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen; without amendment (Rept. No. 1743). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 269. A bill for the relief of Elizabeth T. Cloud; with amendment (Rept. No. 1744). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 6207. A bill for the relief of the estate of the late Dr. W. A. Cox; without amendment (Rept. No. 1745). Referred to the Committee of the Whole House.

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 6535. A bill for the relief of Jose O. Enslew; with amendment (Rept. No. 1746). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 6696. A bill for the relief of A. W. Holland; without amend-

ment (Rept. No. 1747). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 7291. A bill for the relief of Edward J. Devine; without amendment (Rept. No. 1748). Referred to the Committee of the Whole House.

Mr. CLARK of Maryland: Committee on Claims. H. R. 12632. A bill for the relief of Frank J. Michel and Barbara M. Michel; with amendment (Rept. No. 1749). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12659. A bill for the relief of Harrison Simpson; without amendment (Rept. No. 1750). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 10026. A bill providing that Lieut. Col. U. S. Grant, 3d, United States Army, shall have the rank and receive the pay and allowances of a brigadier general, United States Army, while serving as associate director of the George Washington Bicentennial Commission, and for other purposes; without amendment (Rept. No. 1757). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 459) for the relief of Mildred Van Ausdal Morse; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 460) for the relief of Sarah Morris; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 671) for the relief of Nannie White; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 1038) for the relief of Anna King; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 6081) for the relief of H. M. Cawley; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 6755) for the relief of Rebecca Kolsky; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 7882) to authorize the payment of the sum of \$2,500 to the dependents of the officers and men who lost their lives on the submarine *S-4*; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 8774) for the relief of relatives of certain officers and enlisted men of the United States military and naval forces killed in the Lake Denmark explosions July 10, 1926; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 8794) for the relief of relatives of certain officers and enlisted men of the United States military and naval forces killed in the Lake Denmark explosions, July 10, 1926; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 9015) for the relief of Laura J. Clark; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 11858) granting an increase of pension to Robert Henkle; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11930) for the relief of Sydney Thayer, jr.; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12677) for the relief of Rudolph A. Davis; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 12713) to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval radio station, Eureka, Calif., on January 17, 1930; to the Committee on Naval Affairs.

By Mr. BOWMAN: A bill (H. R. 12714) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education

of the District of Columbia," approved June 20, 1906, and for other purposes; to the Committee on the District of Columbia.

By Mr. CRAIL: A bill (H. R. 12715) providing for the presentation of congressional Philippine medals to certain officers and enlisted men who served in both the war with Spain and the Philippine insurrection; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 12716) authorizing retirement pay for Assistant Comptrollers General retired after 45 years of Government service; to the Committee on the Civil Service.

By Mr. LUCE: A bill (H. R. 12717) to authorize additional appropriations for the National Arboretum; to the Committee on Agriculture.

By Mr. MICHAELSON: A bill (H. R. 12718) to stop and prohibit overcrowding of theaters within the District of Columbia; to the Committee on the District of Columbia.

By Mr. RANSLEY: A bill (H. R. 12719) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. HANCOCK: A bill (H. R. 12720) to amend an act entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929; to the Committee on Immigration and Naturalization.

By Mr. CLANCY: Resolution (H. Res. 233) that the Speaker appoint a committee to inquire into matter concerning the congressional election held in Abilene, Tex., May 19, 1930; to the Committee on Elections No. 1.

By Mr. CABLE: Resolution (H. Res. 234) for the consideration of H. R. 10960 entitled "A bill to amend the law relative to the citizenship and naturalization of married women, and for other purposes"; to the Committee on Rules.

By Mr. KIESS: Joint resolution (H. J. Res. 355) to print annually the Commerce Yearbook as a House document; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12721) granting an increase of pension to Bellemina Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12722) granting an increase of pension to Elizabeth Antill; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12723) granting an increase of pension to Elizabeth Hoadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12724) granting an increase of pension to Clara E. Cram; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 12725) granting an increase of pension to Charles Precht; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 12726) for the relief of Joseph Carter; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 12727) granting a pension to Emma S. Cole; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 12728) granting an increase of pension to Carrie H. Wood; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12729) granting an increase of pension to Lucinda Beal; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12730) granting an increase of pension to Celina Fralick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12731) granting an increase of pension to Amanda C. Sowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12732) granting an increase of pension to Alice Kilburn; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12733) granting an increase of pension to Elizabeth Guyer; to the Committee on Invalid Pensions.

By Mr. FRANK M. RAMEY: A bill (H. R. 12734) granting a pension to Hugo Heidinger; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 12735) granting an increase of pension to Nina Mehlberg; to the Committee on Pensions.

By Mr. SEIBERLING: A bill (H. R. 12736) granting a pension to Ella V. Rugg; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12737) granting a pension to Nettie Champaigne; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12738) granting an increase of pension to Adaline Kibley; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 12739) granting an increase of pension to Mary E. Fleming; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7417. By Mr. GARBER of Oklahoma: Petition of King Hagen Post, American Legion, Fairview, Okla., in support of House bill 10381, with liberal amendments; to the Committee on World War Veterans' Legislation.

7418. Also, petition of 5,000 clerical employees Missouri Pacific Railroad, urging adoption Couzens joint resolution suspending consolidation railroads; to the Committee on Interstate and Foreign Commerce.

7419. Also, petition of Order of Railway Conductors of Western Division of Frisco Railway at Enid, Okla., in support of Senator COUZENS's resolution; to the Committee on Interstate and Foreign Commerce.

7420. Also, petition of Frank O. Jamison Camp of United Spanish War Veterans, in support of Senate bill 476; to the Committee on Pensions.

7421. Also, petition of W. E. Brintnall, Chester, Okla., in support of immigration bill; to the Committee on Immigration and Naturalization.

7422. Also, petition of Robert A. Lowery Camp, No. 24, Perry, Okla., urging support of Senate bill 476; to the Committee on Pensions.

7423. Also, petition of Ponca City Retailers' Credit Association, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7424. Also, petition of J. L. Cochran, manager Frolich's Style Shop, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7425. Also, petition of M. K. Van Winkle, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7426. Also, petition of E. F. Hathaway, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7427. Also, petition of H. L. Schall, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7428. Also, petition of J. A. Sharp, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7429. Also, petition of carriers of Ponca City, Okla., urging support of House bill 6603; to the Committee on the Post Office and Post Roads.

7430. Also, petition International Association of Fire Fighters, Washington, D. C.; to the Committee on the District of Columbia.

7431. Also, petition of R. M. Washbon, Ponca City, Okla., in opposition to House bill 9232; to the Committee on Labor.

7432. By Mr. GLOVER: Petition of citizens of Hot Springs, Ark., urging support of Senate bill 476; to the Committee on Pensions.

7433. Also, petition of Hugh Rives, of Pine Bluff, Ark., urging the passage of Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7434. Also, petition of citizens of Princeton, Ark., urging appropriations for the destruction of predatory animals; to the Committee on Agriculture.

7435. Also, petition of the W. C. Hudson Camp, No. 8, United Spanish War Veterans, Pine Bluff, Ark., urging support of Senate bill 476; to the Committee on Pensions.

7436. Also, petition of Roosevelt Auxiliary, No. 1, Fred N. Rix Camp, No. 1, United Spanish War Veterans, Hot Springs, Ark., urging support of Senate bill 476; to the Committee on Pensions.

7437. By Mr. HANCOCK: Petition of Woman's Christian Temperance Union of Eastwood, N. Y., submitted by Helen DeBoalt, favoring Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7438. Also, petition submitted by Anna Saltsman, containing resolution adopted by the Woman's Christian Temperance Union of Virgil, N. Y., favoring Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7439. Also, petition of the Woman's Christian Temperance Union of Manlius, N. Y., submitted by Stella M. Campbell, favoring Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7440. By Mr. LINDSAY: Petition of Federal Employees' Union, No. 4, New York City, urging that every effort to have

legislation passed at this session granting Saturday half holidays for all Government employees; to the Committee on the Civil Service.

7441. Also, petition of Spanish War veterans of New York, urging support and vote for Senate bill 476, vetoed by the President; to the Committee on Pensions.

7442. By Mr. STONE: Petition signed by Mrs. Joseph Myer and Mrs. J. Urbansky, of Oklahoma City, Okla., opposing legislation calling for compulsory or voluntary registration of aliens in the United States; to the Committee on Immigration and Naturalization.

SENATE

TUESDAY, June 3, 1930

(Legislative day of Thursday, May 29, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House having proceeded, in pursuance of the Constitution, to reconsider the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, returned by the President of the United States with his objections thereto, the bill was passed, two-thirds of the House having agreed to the same, the objections of the President to the contrary notwithstanding.

The message also announced that the House had passed without amendment the bill (S. 1317) to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas, and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler.

The message further announced that the House had passed the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3272. An act to authorize the dispatch from the mailing post office of metered permit matter of the first class prepaid at least 2 cents but not fully prepaid and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed; and

S. 3599. An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;

H. R. 5271. An act authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians;

H. R. 10668. An act to authorize issuance of certificates of repatriation to certain veterans of the World War;

H. R. 11134. An act to amend section 91 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended; and

H. R. 11200. An act to provide for the acquisition, sale, and closer settlement of delinquent lands on irrigation projects by the Government to protect its investment.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4849) to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.